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WASHINGTON, D. C.

PASSION FLOWERS.

With these words alone upon its titlepage, and with no acknowledgment of authorship, Ticknor, Reed, & Fields, of Boston, have just issued a volume of poems, which, if we do not greatly mistake its character, is destined to create an interest in the literary world second only to that produced by the sudden apparition of Alexander Smith, the Glasgow poet, a few months ago. The book is not only remarkable in itself, but it indicates a latent power, a reserved force, on the part of its author, which makes the present performance, great as we feel it is, seem but the prelude to something yet higher and nobler. Several of the best poems in the book have their origin in the writer's memories of a winter's residence in Rome. With a deep and passionate appreciation of that ancient capital of the Pagan and Christian world, and fully alive to all its moral and classical associations, the writer does not, like too many modern pilgrims thitherward, overlook, in admiration of art and beauty, the terrible social and political evils which form their grim background. No American, who understands the actual state of things in the Papal Territory, can fail to sympathize with the indignation and scorn and pity which by turns blaze or wail through these poems. Rome is unquestionably, at this moment, the worst governed State of Europe. Socially, politically, morally, and spiritually, it is the scandal and opprobrium of Christendom, a standing libel on the religion of Jesus. A Government of spies and priests, propped by foreign bayonets, and resting on the dungeons of thirty thousand political prisoners dying by inches in their living tombs, there is for the republican or the Christian who contemplates it no other alternative than silence or anathema. The repeated denunciation by the Roman Inquisition of the Romance of Harriet Beecher Stowe, as heretical, seditious, and damnable, is a gratifying evidence of the uneasy consciousness, on the part of Ecclesiastical Despotism, of its weakness and insecurity. Light from every quarter is dreaded; the triple mail of the Great Falsehood is vulnerable to the smallest arrow of Truth. Even the arts of painting and sculpture—the lures which the harlot and enchantress offers to all who approach her—may be found in the end dangerous to her existence. Travellers tell us that while, with scarcely an exception, the galleries, both public and private, of the city and its environs, are thrown freely open to inspection, that of the Villa Ludovise is jealously guarded, and is to be seen only by means of a written permission from its princely owner; for there amidst classic forms, pale gods of heathendom, and questionable saints of the Romish calendar, may be seen a collossal group—a stalwart barbarian stabbing himself with his right hand, while his left supports his dying wife, sinking at his feet. It is the man and the husband killing himself and his wife, to avoid the doom of Slavery—Uncle Tom and the Declaration of Independence in marble! Let the Holy College look to it.

As a specimen of the intense power and passionate earnestness of the writer, when dealing with whatever outrages her sense of right, and conflicts with her moral and religious convictions, we give some of the concluding stanzas of the poem entitled "From Newport to Rome." She represents herself in the midst of the fashion and folly of the great Northern watering-place at the time of the overthrow of the Roman Republic, and as constrained to break in upon the music and dancing with her startling description of the final struggle of the doomed city against the combined forces of Papal Despotism. The picture is fearfully vivid:

"The rich must own the hidden hoard,
The brave are butchered where they stand,
And maidens seek at altar-shrines
A refuge from the lawless hand.

"Till Death, grown sordid, hunts no more
His flying quarry through the street;
And the grim scaffold, one by one,
Flings bloody morsels for his meat.

"Were Death the worst, the patriot's hymn
Would ring triumphant in mine ears;
But pangs more exquisite await
Those who still eat the bread of tears.

"Pale faces pressed to prison bars
Grow sick and agonize with life,
And firm lips quiver when the guard
Thrusts rudely back some shrieking wife.

"There women gathering on the sward,
I see them, helpful of each other;
The matron soothes the maiden's heart,
The girl supports the trembling mother.

"Sad recognitions, frantic prayers,
Greetings that sobs and spasms smother,
And 'O, my son!' the place resounds,
And 'O, my father! O, my brother!'

"And souls are wed in nobleness,
That ne'er shall mingle human breath;
Love's seed in holy purpose sown,
Love's hope in God's and Nature's faith.

"A flag hangs in the Invalides
That flecks with shame the stately dome:
'Ta'en from a Roman, whom we slew,
Keeping the threshold of his home.'

"And ye delight in idle tunes,
And are content to jig and dance,
When even the holy Marseillaise
Sounds for the treachery of France?

"And not a voice amongst you here
Calls on the traitor wrath and hate?
And not a wine-cup which ye raise
Is darkened by the victim's fate?

"Nor one with pious drops bewails
The anguish of the Mother world?
'Oh, hush! the waltz is gay,' they said,
And all their gauzy wings unfurled.

"Nay, hear me for a moment more,
Restrain so long your heedless haste;
Hearken how pregnant is the time
To tear to threads or fling to waste.

"Through sluggish centuries of growth
The thoughtless world might vacant wait;
But now the busy hours crowd in,
And man has come to man's estate.

"With fuller power let each avow
The kinship of his human blood;
With fuller pulse let every heart
Swell to high pangs of brotherhood.

"With fuller light let woman's eyes,
Harnest, beneath the Christ-like bond,
Strike this deep question home to men:
'They brothers perish—idlest there?'

"With warmer breath let mother lips
Whisper the boy whom they caress:
'Learn from these arms, that circle thee,
To love, to succor, shelter, bless.'

"For the brave world is given to us,
For all the brave in heart to keep,
Lest wicked hands should sow the thorns
Which bleeding generations reap.

"Oh, world! oh, time! oh, heart of Christ!
Oh, heart betrayed and sold anew!
Dance on, ye slaves! ay, take your sport;
All times are one to such as you."

Akin to these Tyrtæan stanzas, uniting feminine pathos with masculine vigor, are a "Protest from Italy" and "Whit-Sunday in the Church." The *animus* of the entire volume is the Democracy of Christianity. It has the deeply-earnest tone of one whose utterances are from the heart.

We can only find place in this notice for a few of the striking and felicitous passages in the volume before us. There is a description of the writer's introduction to the orange groves of Villa Massimo, at twilight, and the song of the nightingale at twilight:

——"Virgin flowers,
They filled the air with incense gathered up
For the pale vesper of the evening star,
Nor failed the rite of meet antiphony—
I felt the silence holy, till a note
Fell as a sound of ravishment from heaven—
Fell as a star falls trailing round for light."

The pictures, in the poem just quoted, of the Christian Priest and the Jew, at Rome, are very striking.

——"Yon wrinkling in unmanly garb,
With sturdy limbs fed fat in idleness,
Whose hands hate labor as his brain hates thought,
There stretched for alms, that busy with deceit,
Who trails from door to door his beggary,
Devoutest praying where the housewife's fair."

——"Roll back thy chariot wheels
Even to the Ghetto of the hated Jew.
In his poor synagogue's simplicity
Faith enters not in Fancy's masquerade,
Accoutred for religious revelry.
His Rabbi nothing adds nor takes away,
Nothing assumes of mystic right or power,
But gives the ancient, venerable word,
With cautious lips and emphasis devout,
(Intent on reading as his fathers read,)
As if believing *it*, not he, should teach.
He has the oracles that Jesus loved,
Though suffering still Tradition's jealous hand
To bind too closely o'er the face of Truth
The veil of Oriental tracery,
Which that serene One smilingly looks through,
Sure of her own and God's eternity."

We give a few more brief, random extracts:

"Mirrors and diamonds flash the brilliance back,
And *night is only in Italian eyes,*
Which take in light as the stars give it out."

"And that high suffering which we dread,
A higher joy discloses;
Men saw the thorns on Jesus' brow,
But angels saw the roses."

"My children, living flowers shall come
And strew with seed this grave of thine,
And bid the blushing growths of Spring
Thy dreary painted cross entwine.

"Thus Faith, cast out of barren creeds,
Shall rest in emblems of her own;
Beauty, still springing from Decay,
The cross-wood budding to the crown."

A word as to the author. Rumor corroborates the internal evidence afforded by the book itself, that its writer is the wife of a highly distinguished professional gentleman and philanthropist of Boston—a lady, whose genius and culture have been so well known to her friends, as to exempt them from any surprise at their manifestation in her "Passion Flowers."

J. G. W.

For the National Era.

GERMANY AND ENGLAND—NO. 1.

We Germans are a patient people; and this patience has been most signally exhibited, through the almost unbroken silence with which we have stood the self-glorification which have characterized nearly every historical article on England, which has appeared with reference to the primitive institutions of the United States.

"England," "Mother Country," "Anglo-Saxonism," and "English Liberty," have been the themes and the phrases upon which reams of foolscap have been written over, until it looks like a desperate undertaking to remind American readers that to *full* one-third of the *white* population of this country, there is a "Germany" and a "Fatherland." Still more daring must it be to assert, as I now do, that, in the words of one of my old professors, Anglo-Saxonism and English liberty very often are

"Mere phrases"—"Verba sunt."

In your paper of the 10th January, a gentleman from London has these words occurring in his article:

"True it is, that Germany had its Diets, Spain and Portugal their Cortes, France its States General; but the existence of all of them was ephemeral. The Parliament of England has never ceased to exist, except during the transient interregnum of Cromwell, and it may fairly claim the credit of having sustained the political spirit of Europe, and contributed to the more democratic institutions of the United States."

In your paper of the 11th instant, he again says:

"In the United States a great experiment is being tried, in the science of Government, and Europe anxiously looks at every movement on its various platforms. But how can the true Democrat, however gifted and sincere, perfect his own institutions, unless he has carefully traced the errors of monarchies and aristocracies? And where will he find *more instruction than in the history of the race from which his forefathers sprung?*"

If the latter clause means, as it undoubtedly does, that English history, in particular, is to be the text book of our studies, I join issue, unless indeed it be with a view to avoiding nearly every shade of their Government; for then I agree. Might not some one in reply to Anglicanism, assert that in every case, excepting a few only, in which we have followed England, we have gone wrong, while the most successful steps of reform we have ever made in this country were those in which we abolished something English? Nay, might he not go further, and assert that every American statesman in the United States, to whom English institutions have been a model, has gone, or will go, to his grave a doomed man? And, again, might he not point to the history of the United States, and affirm that the statesmen whose names live and will live brightest in the memory of our people, are those which never lost their Americanism in reading Blackstone, and for whom the continent of Europe had opened its fountains of wisdom? And if called upon to give instances for the foregoing affirmations, he might name the English organization of our regular army. Ditto, navy, including ocean steamships; and to English common law, or chancery procedure, in courts. Need he remind you, that the few germs of the English Colonial System, which have crept into our Territorial System, are especially the sending amongst them of politicians for Governors and Judges, &c., we all call the worst part of their organization?

Where are the English notions of protective tariffs, navigation laws, national banks, of game laws, &c.? Where are, in public estimation, Hamilton or Webster? Has any man left a deeper impress upon our institutions than Jefferson, and at what fountains did he get his knowledge? Our political axis is our Federal system, and what can we learn about it in England? Is it not the great vice of our Supreme Court, that, in all its decisions, it has looked to English precedents and to English courts. Those decisions were made, as applicable to an English system of Government; but is it uncourteous to our judges to suppose that, having learned their law as English common law schools, they have not been careful, nor perhaps willing, enough to scan very closely whether they really apply to a Government such as ours? Is such a scrutiny not too great a task under the circumstances? What, I ask, has led to the fearful enlargement of the judicial powers of that court, except their heedless following the decisions of English admiralty courts? Would not a little reading of the many questions which, for centuries, have filled the old German federal courts, have been more useful? Oh, but neither our judges nor our lawyers read German!

Has it never occurred to you, Mr. Editor, that our Revolution was an anti-English rebellion, and that our institutions are, if they are anything, protests against "English liberty" and "English institutions?" Wherein does the excellence of our institutions lie—in the parts which we copied from England, or in those in which we did not? Is it not a self-contradicting term to talk of "that form of Government which George Washington founded," and, in the same breath, talk of an "English tendency" towards it? By the by, will some erudite historian furnish us with Washington's form of Government?

Do not understand me as deprecating the reading of English law or English books—no, that would indeed be wrong. But do understand me as opposing one-sided reading, and making this English Government our model.

Our Government was constructed, as the debates prove, by taking into consideration the whole range of governmental experience; and it is for that reason, and that alone, that the United States Constitution stands so proudly as the monument of our age and collected wisdom.

The framers of that instrument were no copyists, with the prejudices of the mother country to lead them astray. She had boldly broke the shell of the egg, and stood up in a world's broad daylight, with no part of the shell sticking to them.

Nationalities and races are but too apt to look for good only within themselves, and to look down upon other nationalities and races with disdain. The Spanish used to strut the public stage the proudest, but they have handed over their parts to the still prouder English.

Do not think that I am about to fall into the same error with the Germans. No. I do but desire to say a few (I trust they will be deemed humble enough) words, with a view to remind the liberal-minded men of America that it does hurt a reflective German, to see, in our papers and magazines, the many evidences that England, and England only, is looked to as the cradle of the United States; and that, from mere laziness to reflect, they reject the history, the lessons, the deep humanity, and the great learning of a nation, whose humble pride it is to be the granary of a world's knowledge.

TUISKO.

For the National Era.

RECOLLECTIONS OF MY GRANDFATHER'S HOME.

CHAP. II.

First Recollections.

"Beings of ethereal birth.
Near us glide, sometimes, on earth."

What dust-stained traveller on life's road has not strained his eyes betime to catch a glimpse of the goal from whence he started? Behind fixed scenes and firm impressions, there lies in the mind a vague and dreary realm, whence start up half-filled landscapes and skeleton forms. But here and there remembrance finds, in first early joys or sorrows, a firm resting place; perchance the dying bed of a brother or sister, or the last look of a fond mother. So, when in retrospect I reach that mystic boundary, ever and anon, in the mist and darkness, my straining eyes catch a glimpse of some well-defined objects. But the sight of these fills me with sadness, for, though a few golden clouds hover round, they mostly lie in shadow. It is true that petty griefs, and not joys, make their first impress on our minds; and yet not strange, for when we came, pure, untarnished, from the hands of our Maker, were we not little vessels, to be filled with gladness? And we remembered not the in-pourings of our natural aliment; but when, by accident, these flowed in a muddy stream, the rough current chafed, and left its mark!

First, back in life's journey, I tarried at the death-bed of my little brother Olly. The misty indistinctness of babyhood was fast passing away; and I, a lisper of monosyllables, was beginning to treasure up passing events, when death first crossed my father's threshold. There were four of us then—Celia, the eldest; my darling Benny, the sharer of all my joys and sorrows; little Oliver, or Olly, as we used to call him, made, with myself, the quartette. Olly had almost finished his second year; a beautiful child, very fair, with deep blue eyes like little wells, and soft, yellow hair. He was the joy and pet of the house. How we children loved to stroke his velvet cheeks, and toy with his little snow-white, dimpled hands. From how many a household has such a vision passed away! God sends them to earth to make us wiser and better. They are guideboards to Heaven. There is nothing of God's creation so beautiful, so worthy of homage, so like his own image, as the form of a fair young child. Beauty in its highest realization, with lips free from guile, a heart unspotted, pure from the hands of its Maker—who does not love a little child! There is no confidence like a child's confidence; 'tis actuated by no worldly motive—pure, unselfish. Who has not felt a throb of delight at the words of affection, lisped with infantile accent; for who can measure a heart better than a guileless child! and who has not felt his self-esteem abated, when the same innocence has repulsed his caresses! But ah! who has not beheld, with deep sorrow, the first scar from the world's touch on that same young heart! Can we not all remember the first great sin of our childhood? Perchance a blow struck; an unkind word spoken to father or mother; and ah! surely there clings to every conscience the first falsehood! 'Twas then the stamp of Godhead fled from us, and we left forever behind us our guileless purity.

Deep in shadow, in that mystic land, lie such waymarks before my mind's eye. The hand that pens these lines was once raised in anger over the head of my darling Benny! O, what bitter agony followed that blow! How stealthily I crept, at midnight, to his room, to ask forgiveness; for strange fancies troubled me in the night-hours, and I feared lest the morning might be too late. But we loved each other, and played together years after, and the little difference was well nigh forgotten; yet when the eye ceased its glances, and the lips their words of affection, and his form lay shrouded in its coffin, then the bitter remembrance of that moment pierced me like an arrow. With his dear image in my heart clung also to my conscience that one blow. For months and years over it was dropped the silent tear—aye, and even now the mist gathers!

But a yet darker cloud hangs over another childhood landmark. To my conscience there still clings the first falsehood. In a dark corner of the garret, mouldy and worm-eaten, lies the map, whose defacing I had not the moral courage to confess. "'Twas done by chance," suggested one to the inquiring parent; but he shook his head, and, in a few moments, sadly left us, to be gone a long, long while. I wandered about the house all day, a wretched, guilty thing—but when, at night, I "lay me down to sleep," and tried to repeat my nursery prayer, and was alone, in darkness, with my Maker, 'twas more than I could bear, and I hastened to pour into my mother's ear my childish confession. Many, many times since, when tempted by trying emergencies to a like deviation, the remembrance of that night's experience has kept me in the path of truth. Aye, and when, grown to womanhood, in rummaging in the dark attic, the offending parchment came to light, my cheeks tingled with shame.

Let the sorrowful remembrances pass; around Olly's death-bed the golden clouds hover. A malignant fever found its way to our village, and Olly was its first victim. We children missed the toy of our sports; we could not play, and we idled the hours sadly away beneath Olly's window, whispering to each other over his winsome, baby ways. Days and nights wore away; the doctor came and went; and we listened at the door of the sick room, and heard Olly's moans, but could not see him, for they told us we too might be sick. What were childish fears to us! It is the selfishness of manhood that contagion keeps from the sick room! Heaven bless those noble souls, who, in purest philanthropy, give themselves up holocausts to humanity.

But we could not fly disease. A few days found us all three stretched upon a sick bed. 'Twas a bright summer day when Celia, Benny, and I, met for the first time since the doctor came to see us. We looked from the open window, out on the green fields, gemmed with yellow butter-cups; saw the sunlight dance over the tall grain, but we were not glad. There we stood, gazing on each other's emaciated faces, never speaking. Little Olly, who had been almost well, was again sick, and there was no hope! "'Tis terrible to die, and leave this beautiful world," said Benny; and fell on my neck, weeping piteously.

'Twas very still in the sick chamber—not a sound reached us. By and by the door opened, and a slow and muffled tread approached. We knew that step; gray hairs and trembling hands had been with it in our sick rooms. "Come quick," said my grandfather, and turned. In a moment we were with Olly. But ah! we were too late. The spirit had been exhaled; nothing but the beautiful clay was there. There it lay in its perfect mould. The same little dimples in the snow-white hands, less deep, to be sure, and the same velvet softness to the somewhat sunken cheek. Grandfather closed his blue eyes, and they laid him in his little coffin, with the dimpled hands resting on muslin folds. When the first soil fell, grandfather murmured, "It is not my Benny!" "Not my Benny," echoed I! "Not so," said the sorrowing parents. That little, wan, cold form, was to them the Benny of my grandfather's heart!

What a gentle grief the death of a little child diffuses through a household. A father or mother is taken away, and selfishness dictates a deeper agony. We want not only their daily endearments, but we miss the anticipation of our little wants, the lightening of all our cares. These can never be to us father or mother again. A playmate, brother or sister, departs, and it is as if our right hand were gone. We cherish fondly for years every little remembrancer, and touch, with full eyes, the garments they used to wear.

But let a little infant pass away—we do not weep, all the day long, as for beloved parents, nor yet indulge in occasional bursts of grief, as for playmates lost; but an ever-present sadness, a slight choking sensation, remind us that something we loved is gone—a feeling akin to that momentary sensation we experience when a little rose-bud, whose opening we have long been watching, is broken off by the wind, or its tiny petals marred by a worm. We miss, in the mother's arms, the sparkling eyes and baby laugh—we miss, on the carpet, the crowing infant and its scattered playthings. The sadness increases, the choking sensation grows stronger, and, one after another, silent tears trickle down for the lost infant.

So it was when Olly was gone; but Benny was left us, and the merry laugh soon rang again. Dear little Benny, good and beautiful; how can thy loving sister find words to portray the image of thee, engraven on her heart? No parental or sisterly partiality has given to the portrait its high coloring. On the wayside, in the sanctuary, at home, abroad, strangers singled thee out for thy surpassing ethereal beauty. Thy little winsome kindnesses are still fresh in the minds of thy schoolmates; the manifestations of thy manly intellect in the memories of thy teachers, and thy more than manly integrity in the hearts of all thy friends. But the breach thou didst leave in the household, we pass it over. Thy tried little brain, pressed too far, gave away, and there is left to us one soft, shiny look of chestnut-brown hair!

For the National Era.

THE GRAVE OF THE FALLEN.

"A GIRL LOST!"

BY HELEN L. BOSTWICK.

Still and cold the snow is lying,
White the wintry sunbeams glow,
Where a heart, at rest from sighing,
Stiller, colder, lies below.
'Tis a heart too early laden
With life's withering woe and care;
And the bright locks of a maiden,
That with Death are sleeping there.

But the snow-rift o'er her pillow
Bears no footstep's lingering token;
And the long arms of the willow
Wear their pearly gems unbroken.
Wherefore doth sweet Friendship scorn her,
In her dwelling dark and lone?
Wherefore hath no sorrowing mourner
O'er her grave-rest reared a stone?

Once, the ice-gem was not brighter
Than her brow's unshadowed scroll;
Nor the snow-rift purer, whiter,
Than the tablet of her soul.
Then kind faces clustered round her,
In a vine-wreathed cottage nest;
Then Affection's bright links bound her,
With a spell of peace and rest.

But one night came Death and Sorrow,
When her white-haired sire was taken;
Yet, upon a darker morrow,
Were those sweet eyes doomed to waken.
Ere spring came, her gentle mother
Slept beside the life-love dead;
Then the bright-lipped, manly brother,
Who would "work for all," he said.

Had'st thou died too, pallid griever,
Watching by thy dead alone,
Wildering words of the deceiver
Never should thy ear have known.
Had the child-heart of the mourner
Broken in its spotless bloom,
Never finger of the scorner
Had been pointed at her tomb.

But how fared the orphan lonely,
And her little sisters two;
Save a dark-eyed stranger only,
There were none that thought or knew.
But so generous was the stranger,
And so gentle was his eye—
Ah! how could she dream of danger,
When that noble form was by?

But, alas! the weary winter,
When the stranger came no more!
Want and Cold—she saw them enter,
Hideous, at her cottage door.
She had sought in vain for labor;
Leave to toil for bread and wood;
But there was *no friend nor neighbor*
That for toil would give her food!

One wild eve—the gusts were swelling
Fiercely, through the caverned air—
Hush! a voice is in her dwelling,
And a step beside her chair!
Ah! too well her heart remembers
Sweetest sounds the ear can know;
Ah! 'twas not the dying embers
Lent her cheek so rich a glow!

Colder grew the hearth, and colder
Grew the thin clasped hands above;
For that hour the stranger told her
Of his *wealth* and of his *love!*
Wildly beat the heart, that parting,
Prayed he ne'er might come again;
Wilder, when, from slumber starting,
Loved ones cried for bread in vain!

Oh! forbear the tale of sorrow!
How those shivering infants plead;
Still one bitter, blackened morrow,
By that hearth were fire and bread!
And that soul of love and meekness,
In an evil hour of trust,
In an evil hour of weakness,
Drooped its plumage in the dust.

Summer brought its roses, springing
Gaily round her cottage door;
And the nested warblers singing,
But she never nursed them more.
Autumn came, with black clouds weeping
O'er a new and narrow sod;
And the broken heart was sleeping,
And the spirit was with God!

Edinburgh, Ohio, December, 1853.

THE NEBRASKA BILL.

In Senate, Monday, January 30, 1854.

The Senate, as in Committee of the Whole, proceeded to the consideration of the bill to organize the Territory of Nebraska.

Mr. DOUGLAS. Mr. President, when I proposed, on Tuesday last, that the Senate should proceed to the consideration of the bill to organize the Territories of Nebraska and Kansas, it was my purpose only to occupy ten or fifteen minutes in explanation of its provisions. I desired to refer to two points; first, as to those provisions relating to the Indians, and, second, to those which might be supposed to bear upon the question of Slavery.

The committee, in drafting the bill, had in view the great anxiety which had been expressed by some members of the Senate to protect the rights of the Indians, and to prevent infringement upon them. By the provisions of the bill, I think we have so clearly succeeded in that respect, as to obviate all possible objection upon that score. The bill itself provides that it shall not operate upon any of the rights of the lands of the Indians, nor shall they be included within the limits of those Territories until they shall, by treaty with the United States, expressly consent to come under the operations of the act, and be incorporated within the limits of the Territories. This provision certainly is broad enough, clear enough, explicit enough, to protect all the rights of the Indians, as to their persons and their property.

Upon the other point—that pertaining to the question of Slavery in the Territories, it was the intention of the committee to be equally explicit. We took the principles established by the Compromise Acts of 1850 as our guide, and intended to make each and every provision of the bill accord with those principles. Those measures established and rest upon the great principles of self-government, that the people should be allowed to decide the questions of their domestic institutions for themselves, subject only to such limitations and restrictions as are imposed by the Constitution of the United States, instead of having them determined by an arbitrary or geographical line.

The original bill, reported by the committee as a substitute for the bill introduced by the Senator from Iowa, [Mr. Dodge,] was believed to have accomplished this object. The amendment which was subsequently reported by us was only designed to render that clear and specific, which seemed, in the minds of some, to admit of doubt and misconstruction. In some parts of the country the original substitute was deemed and construed to be an annulment or a repeal of what has been known as the Missouri Compromise, while in other parts it was otherwise construed. As the object of the committee was to conform to the principles established by the Compromise Measures of 1850, and to carry those principles into effect in the Territories, we thought it was better to recite in the bill precisely what we understood to have been accomplished by those measures, viz: that the Missouri Compromise, having been superseded by the legislation of 1850, has become inoperative; and hence we propose to leave the question to the people of the States and the Territories, subject only to the limitations and provisions of the Constitution.

Sir, this is all that I intended to say, if the question had been taken up for consideration on Tuesday last; but, since that time, occurrences have transpired which compel me to go more fully into the discussion. It will be borne in mind that the Senator from Ohio [Mr. Chase] then objected to the consideration of the bill, and asked for its postponement until this day, on the ground that there had not been time to understand and consider its provisions; and the Senator from Massachusetts [Mr. Sumner] suggested that the postponement should be for one week, for that purpose. These suggestions seeming to be reasonable to Senators around me, I yielded to their request, and consented to the postponement of the bill until this day.

Sir, little did I suppose, at the time that I granted that act of courtesy to those two Senators, that they had drafted and published to the world a document, over their own signatures, in which they arraigned me as having been guilty of a criminal betrayal of my trust, as having been guilty of an act of bad faith, and been engaged in an atrocious plot against the cause of free government. Little did I suppose that those two Senators had been guilty of such conduct, when they called upon me to grant that courtesy, to give them an opportunity of investigating the substitute reported from the committee. I have since discovered, that on that very morning, the *National Era*, the abolition organ in this city, contained an address, signed by certain abolition confederates, to the people, in which the bill is grossly misrepresented, in which the action of the members of the committee is grossly falsified, in which our motives are arraigned, and our characters calumniated. And, sir, what is more, I find that there was a postscript added to the address, published that very morning, in which the principal amendment reported by the committee was set out, and then coarse epithets applied to me by name. Sir, had I known those facts at the time I granted that act of indulgence, I should have responded to the request of those Senators in such terms as their conduct deserved, so far as the rules of the Senate and a respect for my own character would have permitted me to do. In order to show the character of this document, of which I shall have much to say in the course of my argument, I will read certain passages:

"We arraign this bill as a gross violation of a sacred pledge; as a criminal betrayal of precious rights; as part and parcel of an atrocious plot to exclude from a vast unoccupied region emigrants from the Old World, and free laborers from our own States, and convert it into a dreary region of despotism, inhabited by masters and slaves."

A SENATOR. By whom is the address signed?

Mr. DOUGLAS. It is signed "S. P. Chase, Senator from Ohio; Charles Sumner, Senator from Massachusetts; J. R. Giddings and Edward Wade, Representatives from Ohio; Gerrit Smith, Representative from New York; Alexander De Witt, Representative from Massachusetts"—including, as I understand, all the Abolition party in Congress.

Then, speaking of the Committee on Territories, these confederates use this language:

"The *pretences*, therefore, that the Territory, covered by the positive prohibition of 1820, sustains a similar relation to Slavery with that acquired from Mexico, covered by no prohibition except that of disputed constitutional or Mexican law, and that the Compromises of 1850 require the incorporation of the pro-slavery clauses of the Utah and New Mexico bill in the Nebraska act, are mere *inventions, designed to cover up from public reprehension meditated bad faith.*"

"Mere inventions to cover up bad faith." Again:

"Servile demagogues may tell you that the Union can be maintained only by submitting to the demands of Slavery."

Then there is a postscript added, equally offensive to myself, in which I am mentioned by name. The address goes on to make an appeal to the Legislatures of the different States, to public meetings, and to ministers of the Gospel in their pulpits, to interpose and arrest the vile conduct which is about to be consummated by the Senators who are thus denounced. That address, sir, bears date Sunday, January 22, 1854. Thus it appears that, on the holy Sabbath, while other Senators were engaged in attending divine worship, these Abolition confederates were assembled in secret conclave, plotting by what means they should deceive the people of the United States, and prostrate the character of brother Senators. This was done on the Sabbath day, and by a set of politicians, to advance their own political and ambitious purposes, in the name of our holy religion.

But this is not all. It was understood from the newspapers that resolutions were pending before the Legislature of Ohio, proposing to express their opinions upon this subject. It was necessary for these confederates to get up some exposition of the question, by which they might facilitate the passage of the resolutions through that Legislature. Hence you find that, on the same morning that this document appears over the names of these confederates in the Abolition organ of this city, the same document appears in the New York papers—certainly in the *Tribune, Times,* and *Evening Post*—in which it is stated, by authority, that it is "signed by the Senators and a majority of the Representatives from the State of Ohio—a statement which I have every reason to believe was utterly false, and known to be so at the time that these confederates appended it to the address. It was necessary, in order to carry out this work of deception, and to hasten the action of the Ohio Legislature, under a misapprehension, to state that it was signed, not only by the Abolition confederates, but by the whole Whig representation, and a portion of the Democratic representation in the other House, from the State of Ohio.

Mr. CHASE. Mr. President——

Mr. DOUGLAS. Mr. President, I do not yield the floor. A Senator who has violated all the rules of courtesy and propriety, who showed a consciousness of the character of the act he was doing by concealing from me all knowledge of the fact—who came to me with a smiling face, and the appearance of friendship, even after that document had been uttered—who could get up in the Senate and appeal to my courtesy in order to get time to give the document a wider circulation before its infamy could be exposed—such a Senator has no right to my courtesy upon this floor.

Mr. CHASE. Mr. President, the Senator misstates the facts——

Mr. DOUGLAS. Mr. President, I decline to yield the floor.

Mr. CHASE. And I shall make my denial pertinent when the time comes.

The PRESIDENT. Order.

Mr. DOUGLAS. Sir, if the Senator does interpose, in violation of the rules of the Senate, a denial of the fact, it may be that I shall be able to nail that denial, as I shall the statements here which are over his own signature, as a base falsehood, and prove it by the solemn legislation of this country.

Mr. CHASE. I call the Senator to order.

The PRESIDENT. The Senator from Illinois is certainly out of order.

Mr. DOUGLAS. Then I will only say that I shall confine myself to this document, and prove its statements to be false by the legislation of the country. Certainly that is in order.

Mr. CHASE. You cannot do it.

Mr. DOUGLAS. The argument of this manifesto is predicated upon the assumption that the policy of the fathers of the Republic was to prohibit Slavery in all the territory ceded by the old States to the Union, and made United States territory, for the purpose of being organized into new States. I take issue upon that statement. Such was not the practice in the early history of the Government. It is true that in the Territory northwest of the Ohio river Slavery was prohibited by the Ordinance of 1787; but it is also true that in the Territory south of the Ohio river, to wit, the Territory of Tennessee, Slavery was permitted and protected; and it is also true that in the organization of the Territory of Mississippi, in 1798, the provisions of the Ordinance of 1787 were applied to it, with the exception of the sixth article, which prohibited Slavery.

Then, sir, you find upon the statute books, under Washington and the early Presidents, provisions of law showing that in the southwestern Territories the right to hold slaves was clearly implied or recognised, while in the northwest Territories it was prohibited. The only conclusion that can be fairly and honestly drawn from that legislation is, that it was the policy of the fathers of the Republic to prescribe a line of demarkation between free Territories and slaveholding Territories by a natural or a geographical line, being sure to make that line correspond, as near as might be, to the laws of climate, of production, and probably of all those other causes that would control the institution, and make it either desirable or undesirable to the People inhabiting the respective Territories.

Sir, I wish you to bear in mind, too, that this geographical line, established by the founders of the Republic between free Territories and slave Territories, extended as far westward as our territory then reached; the object being to avoid all agitation upon the Slavery question by settling that question forever, as far as our Territory extended, which was then to the Mississippi river.

When, in 1803, we acquired from France the territory known as Louisiana, it became necessary to legislate for the protection of the inhabitants residing therein. It will be seen, by looking into the bill establishing the Territorial Government in 1805 for the Territory of New Orleans, embracing the same country now known as the State of Louisiana, that the Ordinance of 1787 was expressly extended to that Territory, excepting the sixth section, which prohibited Slavery. Then that act implied that the Territory of New Orleans was to be a slaveholding Territory, by making that exception in the law. But, sir, when they came to form what was then called the Territory of Louisiana, subsequently known as the Territory of Missouri, north of the thirty-third parallel, they used different language. They did not extend the Ordinance of 1787 to it at all. They first provided that it should be governed by laws made by the Governor and the Judges, and, when in 1812 Congress gave to that Territory, under the name of the Territory of Missouri, a Territorial Government, the people were allowed to do as they pleased upon the subject of Slavery, subject only to the limitations of the Constitution of the United States. Now, what is the inference from that legislation? That Slavery was, by implication, recognised south of the thirty-third parallel; and north of that the people were left to exercise their own judgment and do as they pleased upon the subject, without any implication for or against the existence of the institution.

This continued to be the condition of the country in the Missouri Territory up to 1820, when the celebrated act which is now called the Missouri Compromise act was passed. Slavery did not exist in, nor was it excluded from the country now known as Nebraska. There was no code of laws upon the subject of Slavery either way: First, for the reason that Slavery had never been introduced into Louisiana, and established by positive enactment. It had grown up there by a sort of common law, and been supported and protected. When a common law grows up, when an institution becomes established under a usage, it carries it so far as that usage actually goes, and no further. If it had been established by direct enactment, it might have carried it so far as the political jurisdiction extended; but, be that as it may, by the act of 1812, creating the Territory of Missouri, that Territory was allowed to legislate upon the subject of Slavery as it saw proper, subject only to the limitations which I have stated; and the country not inhabited or thrown open to settlement was set apart as Indian country, and rendered subject to Indian laws. Hence, the local legislation of the State of Missouri did not reach into that Indian country, but was excluded from it by the Indian code and Indian laws. The municipal regulations of Missouri could not go there until the Indian title had been extinguished, and the country thrown open to settlement. Such being the case, the only legislation in existence in Nebraska Territory at the time that the Missouri act passed, namely, the 6th of March, 1820, was a provision, in effect, that the people should be allowed to do as they pleased upon the subject of Slavery.

The Territory of Missouri having been left in that legal condition, positive opposition was made to the bill to organize a State Government, with a view to its admission into the Union; and a Senator from my State, Mr. Jesse B. Thomas, introduced an amendment, known as the eighth section of the bill, in which it was provided that Slavery should be prohibited north of 36 deg. 30 min. north latitude, in all that country which we had acquired from France. What was the object of the enactment of that eighth section? Was it not to go back to the original policy of prescribing boundaries to the limitation of free institutions, and of slave institutions, by a geographical line, in order to avoid all controversy in Congress upon the subject? Hence they extended that geographical line through all the territory purchased from France, which was as far as our possessions then reached. It was not simply to settle the question on that piece of country, but it was to carry out a great principle, by extending that dividing line as far west as our territory went, and running it onward on each new acquisition of territory. True, the express enactment of the eighth section of the Missouri act, now called the Missouri Compromise act, only covered the territory acquired from France; but the principles of the act, the objects of its adoption, the reasons in its support, required that it should be extended indefinitely westward, so far as our territory might go, whenever new purchases should be made.

Thus stood the question up to 1845, when the joint resolution for the annexation of Texas passed. There was inserted in that a provision, suggested in the first instance, and brought before the House of Representatives by myself, extending the Missouri Compromise line indefinitely westward through the territory of Texas. Why did I bring forward that propos

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WASHINGTON, D. C.

THURSDAY, FEBRUARY 9, 1854

THE DEBATE ON THE NEBRASKA BILL—THE ARGUMENT.—NO. 1.

The argument of Judge Douglas is now before our readers. It consists of two portions, in the first of which he aims to show that the Missouri Compromise in relation to Slavery was superseded by the principles of the legislation of 1850, commonly called the Compromise, and is inoperative; and in the second, endeavors to reconcile Northern People, especially the Democratic Party, to this view of the question.

It is almost impossible to reduce the first part of his argument to a concise, logical form; in its simplest terms, however, it stands thus:

The original policy of the Government was, not to limit Slavery, but to draw a geographical line between slave territory and free. Thus, the territory northwest of the river Ohio was exempted from Slavery, which was recognised in territory south of that river. This policy was continued when, to settle the controversy that arose on the application of Missouri for admission as a State, the line of 36 deg. 30 min. was adopted as a boundary between Slavery and Freedom; and it was again carried out when Texas was annexed, the principle of the Missouri Compromise being applied to the territory of that State:—

In 1848, territory was acquired from Mexico, and the attempt was made to subject it to the same geographical division, but it was opposed. In the controversy that followed, repeated motions to divide the territory between Freedom and Slavery by the line of 36 deg. 30 min. failed; the policy of a geographical line was abandoned, and a new policy adopted—that of Congressional non-intervention. It was agreed that the Territories should be organized without any restriction as to Slavery, the disposition of which was to be left to the inhabitants thereof, with the provision that States thereafter formed out of them should be admitted into the Union, with or without Slavery, as their Constitutions might prescribe.

Thus, concludes Mr. Douglas, the policy of a geographical line being abandoned, and that of Non-Intervention adopted, the Missouri Compromise of 1820 was superseded by the principles of the legislation of 1850.

But at this point his argument fails: a link is wanting to connect his statement, or premises, with his conclusion. Admit that the policy of the Government, from 1787 to 1850, had been to divide the territory of the United States according to a geographical line, between Freedom and Slavery, but that in 1850 this policy was abandoned in relation to New Mexico and Utah, and that of Non-Intervention substituted, it does not follow that it was either the intent or effect of this change, to reverse former legislation in relation to other territory. The adoption of a new principle in regard to acquisitions from Mexico, in 1850, could not of itself supersede an old policy, settled by positive Law, in relation to acquisitions from France, in 1820.

The conclusion of Mr. Douglas is a sheer assumption, unsustained by his premises.

But, the statement containing his premises is not true. The original policy of the Government was, *the limitation of Slavery*, with a view to its ultimate extinction by the States, and *not a geographical division between slave territory and free*. History sustains this proposition, and refutes that of Mr. Douglas. It tells us that Public Sentiment in the Colonies, when they embarked in the war of Independence, was against Slavery; that after the Declaration of Independence, State after State, by judicial decision or legislative enactment, recognised the policy of Emancipation; that in the last Congress of the Confederation, sitting at the same time the Convention that formed our present Constitution was in session, the famous Ordinance of 1787 was passed, excluding Slavery forever from the Territory Northwest of the Ohio river—*the only territory then belonging to the United States*; that this act was dictated, not by any purpose to draw a line between slave territory and free, but by the policy then dictated by public sentiment, of *limiting Slavery*; that in the Convention that formed the present Constitution, Slavery was uniformly treated as an exceptional and transient system, to be tolerated as a necessary evil, for the time, while every provision in relation to it was so framed as to avoid mentioning its name, or recognising its fundamental principle, so that it might at any time be abolished in the States without the slightest change being required in the Federal Constitution; that the delegates from Virginia and Maryland were the most strenuous against the insertion of any provision that might encourage the perpetuation or extension of the evil; that an amendment having been proposed which seemed to involve the recognition of the idea that man could hold man as property, it was modified so as to exclude this idea, at the suggestion of Mr. Madison, who insisted that the Constitution they were forming ought not to contain any implication that man could be property; that the abolition of the slave trade in those days was regarded as involving the abolition of Slavery; and that the clause conferring power in Congress to prohibit the slave trade in 1808, was adopted with a view to facilitate and hasten the extinction of Slavery.

These are facts, standing out prominently on the page of our history, and no one can deny them without incurring the imputation of ignorance or dishonesty. They all show that the policy of the Government originally was to limit and discourage Slavery, not to perpetuate it, by drawing a geographical line between slave territory and free.

It is true, that in the case of Tennessee and Kentucky, lying south of the Ohio river, the Government did not interfere to exclude the evil, but a few considerations will show that its policy, in those instances, had nothing to do with any geographical theory as to Slavery. Kentucky was a part of Virginia when the Ordinance of 1787 was passed, and in eighteen months after its separation from that State, formed a State Constitution, and was admitted into the Union. Tennessee, at the same time, was a part of North Carolina, from which it was separated three years after the passage of the Ordinance, and, in 1796, it was also admitted as a State.

As these Territories were parts of original slave States, with the Slavery of which it was the policy of the Government not to interfere, as the slaves they contained were only such as had been held under Virginia and North Carolina Law, and as the transition of the Territories from being parts of States to becoming themselves States of the Union, was so brief as to require scarcely any Congressional legislation, the omission of Congress to enforce the restrictive policy in them cannot be relied upon to prove that its original policy was not that of Slavery-limitation. Its action in relation to the Territory of Mississippi confirms this view; for, while it respected the existing relations of its different classes of inhabitants, which sprung up while the Territory *was part and parcel of South Carolina* and Georgia, it took care to carry out the policy of Slavery-restriction, by providing against the importation of foreign slaves into the Territory. Recollect, the prohibition of such importation was then regarded as an Anti-Slavery measure, and this prohibition in the case of Mississippi Territory was enacted April 7th, 1798—ten years in advance of the time when by the Constitution Congress would have power to put a total stop to the slave traffic. The act went so far as to provide for the immediate enfranchisement of every slave imported into the Territory in violation of the law. Does this look as if the Anti-Slavery policy of the Government was limited by a geographical line?

So much for the original policy of the Government. That it was imperceptibly departed from after this period, is not denied; but not under the influence of any opinion in favor of the geographical line of policy. This, as we have seen, was not the theory or purpose of the founders of the Government, nor was it adopted till twenty-two years after the organization of the Territorial Government for Mississippi.

A brief statement will show why the original policy of Slavery restriction gradually relaxed, and, for a time, was almost suspended. In 1803 we purchased Louisiana. The settled portions of it contained some slaves, lay along the border of the slaveholding region, and was naturally peopled by slaveholding immigrants. The public attention was, however, diverted from this condition of things, by the critical state of our relations with foreign Powers. The whole nation was soon absorbed by questions of vast interest, affecting our neutral rights and the honor of our flag. The Eastern States, in which the Anti-Slavery sentiment had been most active, were the most deeply concerned in these questions, being more largely commercial. During the violent controversies about embargoes, non-importation acts, and a commercial warfare, which convulsed the country in the early part of the century, the People had little time or inclination to look after the relations of the Government to Slavery. Meantime, the growth of cotton, and the extent of the market for it, had silently increased the power of the Slave Interest, and impaired the force of Anti-Slavery sentiment. In 1790, 1791, and 1792, the total amount of cotton of all kinds, foreign and domestic, exported from the United States, was only 733,044 pounds, valued at $137,737; but in 1805, 1806, and 1807, the total amount of *domestic cotton* exported was 137,992,011 pounds, valued at $32,000,000! With this vast Moneyed Interest on the side of Slavery, and the Anti-Slavery States absorbed in a struggle involving all their industrial pursuits, who can be surprised that when a Territorial Government was established for Louisiana, in 1805, Slavery was winked at in that Territory, and the original Anti-Slavery policy of the Government was not enforced?

After the struggles about Embargoes had ceased, after the war with Great Britain had been closed, after the policy of the country, required at the conclusion of the war for the regulation of its Trade and Finance had been settled, after all important Party Questions had been disposed of, the People began to bestow more attention on the subject of Slavery; and it was just at this time, 1820, that a question arose which at once revealed the vast growth of the Slave Interest, and the mischief that had resulted from the suspension of the original policy of the Government in relation to it. In the act to authorize the People of Missouri to form a State Constitution, the non-slaveholding Representatives, aroused to a sense of their delinquency, attempted to regain for Freedom what had been lost, and an amendment was carried, prohibiting the further introduction of slaves into the Territory, and providing for the emancipation of those already there, at the age of twenty-five. The struggle that followed showed that Slavery had gained an advantage it was resolved not to part with. To restore peace and save the Union, which some appeared to think seriously menaced, what is called the Missouri Compromise was agreed upon, not without the most strenuous opposition on the part of a majority of Northern members. *This was the first time* that the policy of a *geographical division between slave territory and free* had been proposed or assented to by the Government; and so unpalatable was it even then to the majority, that while the whole of the territory north of 36 deg. 30 min., exclusive of Missouri, was positively secured to Freedom, no positive guarantee was given to Slavery below that line. Such a guarantee, in express terms, would have been rejected. Its toleration below 36 deg. 30 min. was left to an implication.

The second instance in which this policy was adopted, was in the case of Texas, Northern Democratic members being seduced into the support of annexation by the provision that in all States formed out of Texas, north of 36 deg. 30 min., Slavery or involuntary servitude should be prohibited.

These are the only two instances in which the policy of a geographical line between slave labor and free has been recognised; and the first instance, as we have seen, was so late as the year 1820, thirty-three years after the adoption of the Federal Constitution. Of course, they prove nothing as to the original policy of the Government, furnish no rule for its conduct in other cases, and, although valid and operative, must be regarded as confined to the Territories to which they in terms applied, and as settling only those controversies out of which they sprung.

Such was the opinion of Congress in 1848, when, in providing a Territorial Government for Oregon, with a clause in it prohibiting Slavery, it refused to sanction the geographical policy in relation to that Territory, and when, in 1850, it refused to sanction it in relation to the territories acquired from Mexico.

The blunder Mr. Douglas makes is, in jumping to the conclusion, that because this policy was rejected in relation to Oregon, New Mexico, and Utah, it was repealed or suspended in relation to the original Louisiana Territory—a palpable *non sequitur*.

DEBATE ON THE NEBRASKA BILL—THE ARGUMENT.—NO. 2.

Mr. Douglas having submitted his main argument, proceeds to answer, not the principal arguments of his opponents, but one or two subordinate points, which might easily be waived without impairing the strength of their position.

The fact that the principle of the Missouri Compromise was itself reaffirmed by the Compromises of 1850, was first brought to light in the *Era*. We adduced it as a consideration that should have weight with those who attached peculiar importance to the Compromise Acts of 1850, but we did not make it the groundwork of our objection to the Bill.

Mr. Douglas denies the fact, and appeals to the record to sustain his denial. By the record we are willing to stand.

It is well known that the question of the Texas boundary was one of the most embarrassing of the questions before Congress in 1850. Numerous propositions to arrange the difficulty were rejected, and after the defeat of the Omnibus Bill, the settlement of the question seemed almost hopeless. It was then that Mr. Pearce, of Maryland, submitted his bill in relation to the subject. This was on the 4th of August, and on the 7th he called it up, and addressed the Senate at length in explanation of it. His speech is printed in the *Congressional Globe*, Vol xxi, Part 11, page 1541, and *expressly recognises the principle of the Missouri Compromise, applied by the resolution of annexation in 1845, to Texas, as an essential part of the basis of the settlement he proposed*. Southern men had objected to several propositions made before, on the ground that they involved a cession to the United States of a *portion of the territory of Texas, between 36 deg. 30 min., secured to slave institutions by the Missouri Compromise*. Mr. Pearce stated that, in drawing his bill, his object was to avoid two difficulties, and he therefore aimed—

"First, to give such a boundary as will avoid the objection which has so often been urged by Southern gentlemen to other proposed boundaries, that they were proposals to surrender to the North territory which, by the joint resolutions of annexation, and in the spirit of the Missouri Compromise, was guarantied to the South or to Southern institutions. Secondly, it was very desirable to avoid the dismemberment of New Mexico, to preserve it entire, if not in the whole of its original extent, as contended for by some, at least so far as the Territorial authority had been practically exercised. I have endeavored to keep both those objects in view, and I think I have approximated to it, though I may not perfectly have accomplished both. In order to avoid the Southern objections, I have begun the Northern boundary at the intersection of the 100th meridian west of Greenwich, by the parallel of 36 deg. 30 min. north latitude."

This, he admitted, would undoubtedly cut off a portion of Territory really belonging to Texas,—

"But I do not propose to cut off any of the territory south of 36 deg. 30 min. My proposal is to run the northern boundary line three degrees west on the parallel of 36 deg. 30 min., until it shall reach the 103d degree of longitude west of Greenwich."

Several amendments were made to the Bill, but none touching this boundary. The recognition of the Missouri Compromise line, as a part of the basis of the arrangement, was assented to by the Southern members, and not opposed by the Northern; and to make the recognition still more explicit, on motion of Judge Mason, of Virginia, the provision was adopted, that nothing in the Bill should be construed to impair or qualify anything contained in the third article of the second section of the joint resolutions for annexing Texas, applying to Texas the principle of the Missouri Compromise. With this recognition of the Compromise, as an essential part of the basis of the Bill, and as expressly affirmed in a proviso to the Bill, it was passed by the Senate and sent to the House.

Up to this time, the record shows that the Missouri Compromise was recognised and reaffirmed, not suspended. For, although the Territory of Texas north of 36 deg. 30 min. was cut off from that State, it was still subject to the third article of the second section of the resolutions for annexing Texas—New Mexico, to which it was to be attached, being as yet unorganized, and no action adverse to the policy of that provision having yet been taken by Congress.

In the House, by a parliamentary device, intended to defeat the Wilmot Proviso, an amendment was adopted, attaching to the Bill, that for establishing a Territorial Government in New Mexico, which contained a provision that States thereafter formed out of that Territory should be admitted into the Union with or without Slavery, as their Constitutions might prescribe. The Bill, as amended, went back to the Senate, and received its sanction.

Now, as the portion of Texas, cut off above 36 deg. 30 min., had been incorporated in New Mexico, and as the Bill provided for the admission of future States formed out of the Territory, with or without Slavery, as their Constitutions might prescribe, it may be said that the provision in the 3d art. 2d sec. of the resolutions of annexation, declaring that in States thereafter formed out of Texas, north of 36 deg. 30 min., Slavery should be prohibited, was superseded or annulled. Would any court, with a clear understanding of the history of both transactions, thus decide? Recollect, there were two parties to that provision in the resolutions of annexation—the sovereign, and then foreign, State of Texas, and the United States. How could an act, requiring the consent of both Powers to give it validity, be repealed by the authority of one of them? Besides, that provision was absolutely necessary to secure the assent of the North to the annexation of Texas. There were two parties to that transaction in this country, as there were to the Missouri Compromise—the North and South; and the former was seduced into ratifying the bargain, by the insertion of that 3d art. 2d sec. securing all of Texas, north of 36 deg. 30 min., to Freedom and Free Labor.

Surely, if it had been intended to deprive the North of her share of the benefit of that bargain, the provision would have been formally repealed. It was not so repealed. The mover of the Texas Boundary Bill in the Senate, and the Southern men who sustained him, as the record shows, did not contemplate its repeal. On the contrary, the bill was framed on the assumption that it was in force, and to continue in force, and it was passed in the Senate on this assumption. The House, having in view the defeat of the Wilmot Proviso, in relation to the Territory of New Mexico generally, without one thought of the peculiar relations sustained by that portion of Texas which had just been incorporated into it, attached the New Mexican Bill to the Boundary Bill, passed both as one act, which, by the vote of the Senate and sanction of the President, thus became Law. Now we hold, that in view of all these considerations, a court would be bound to decide that, as the third article, second section, of the resolutions for annexing Texas was never expressly repealed, and could not be, except by the formal consent of the two Powers that gave it validity, and as it was in the nature of a compact between the North and South, it could not be invalidated or superseded by a mere arrangement by which, for the purpose of settling a question of boundary, a portion of Texas was cut off and incorporated in another Territory, in the act for organizing which a general provision was inserted, repugnant to said third article,—in a word, that that general provision must be qualified and limited by said article.

But, even admitting that there is reason for doubt on this point, the main fact asserted by us still remains untouched, viz: that the principle of the Missouri Compromise adopted in the joint resolutions for the annexation of Texas, was re-affirmed in the Compromise of 1850. Mr. Douglas denies this, because all of Texas north of 36 deg. 30 min. was cut off, and incorporated with New Mexico. What then, he asks with an air of triumph, was left for the Missouri Compromise to act upon? And he then proceeds to explain that the object of Mr. Mason in offering his proviso, re-affirming the article so often quoted from the annexation resolutions, was merely to provide against any reduction of the number of States which were to be formed in virtue of that article. The record disproves this. The language of the proviso itself shows that the object of Mr. Mason was to re-affirm the whole article, and secure all the objects proposed by it. "Provided," is the language, "that nothing herein contained shall be construed to impair or qualify anything contained in the 3d article of the 2d section of the joint resolution for annexing Texas to the United States, approved March 1, 1845, *either* in regard to the *number of States* that may hereafter be formed out of the State of Texas, or *otherwise*."

If he had meant only to prevent any reduction in the number of States, his proviso would have been confined to that point. What did he mean by inserting "*or otherwise?*"

By quoting the whole of the third article referred to, instead of one-half, as Mr. Douglas has done, we shall at once understand his meaning:

"That new States of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the Territory thereof, which shall be entitled to admission, under the provision of the Federal Constitution. *And such States as may be formed of that portion of said Territory lying south of 36 deg. 30 min. north latitude, commonly known as the Missouri Compromise line, shall be admitted into the Union with or without Slavery, as the people of each State asking admission may desire.* And in such State or States as shall be formed out of said Territory north of said Missouri Compromise line, Slavery or involuntary servitude, except for crime, shall be prohibited."

Recollect—the Omnibus Bill had been defeated—the Utah Bill alone had passed—the New Mexican Bill had not been acted upon—the only Bill before the Senate was that to settle the Texas Boundary; the object of Mr. Mason therefore was, not only to provide against the reduction of the number of States to be formed out of Texas, but to reaffirm the bargain by which those States might enter the Union *with Slavery*.

What was there left of the Missouri Compromise to act upon? exclaims Mr. Douglas. All, we answer, that Slavery had gained by the Annexation Bargain—*several States, with a provision that they might become slaveholding*,—aye, and at that time, all of the Territory north of 36 deg. 30 min., with a provision that it should be non-slaveholding.

That this *free* territory was subsequently incorporated with New Mexico, and subjected to a provision, which Mr. Douglas assumes laid it open to Slavery, could not and did not annul the third article of the second section of the resolutions of annexation, in application to the rest of Texas. So that, even admitting for the sake of the argument his groundless assumption to be true, it does not disprove our statement, that the Missouri Compromise was recognised and affirmed in the Texas Boundary Bill, one of the Compromise Acts of 1850.

THE NEBRASKA BILL—THE ARGUMENT.—NO 3.

Having exposed the fallacies of the argument of Mr. Douglas, let us state briefly the considerations which demonstrate the falsity of the assumption that the Missouri Compromise was superseded by the principles of the legislation of 1850.

The question of the validity of the Missouri Compromise was not before Congress in 1850. It was not argued or even intimated that the Compromise Acts of 1850 were in conflict with it, or could in any respect disturb it. If allusion were made to it at all, it was as to a fixed fact, an unalterable law, which nobody proposed to repeal. In none of the resolutions of Conventions subsequently held to sustain these acts, in none of the resolutions of State and National Conventions making adhesion to them a test of political orthodoxy, was the idea broached of a conflict between them and the Compromise of 1820. Had the Union men of the South dreamed that that Compromise was superseded, and the vast Territory of Nebraska opened to Slavery by the legislation of 1850, with what exultation they would have referred to this result as an abundant justification of their policy against the assaults of those State Rights men who charged them with having basely betrayed the interests of the South! But, such a thought never found utterance in the South. Had the enemies of the legislation of 1850, in the North, conceived the bare possibility of such a result, would they have been silent?

What considerations prevailed with those Northern men who waived the Wilmot Proviso policy in 1850? The belief that the Mexican Laws, the local laws of the Territories of Utah and New Mexico, not having been abrogated by their cession to the United States, would continue to work the exclusion of Slavery; the assurance that the climate and soil of those regions would forever discourage the growth of Slavery; and the fact that by the proposed arrangement the whole of California would come in as a free State, and Slavery be thereby shut out from the Pacific coast. By these considerations alone, were the People of the North brought even to acquiesce in the legislation. They acquiesced, because, although the policy of positive enactment by Congress against the extension of Slavery was waived, they were led to believe that this object was as effectually secured in another way. But, weighty as these considerations were regarded by many, and powerfully urged as they were by such men as Henry Clay and Daniel Webster, the majority of the House, which was in favor of the Wilmot Proviso, was at last overcome, only by a Parliamentary stratagem. The Speaker of that body was an adroit tactician, committed to the Compromise Measures. He and the Southern leaders in favor of the Compromise knew that, on a direct vote, the Proviso would be sustained; that were the Bill to organize a Territorial Government for New Mexico to come up on its own merits, either it would be defeated, or the Proviso would be attached to it; that profound anxiety was felt in all sections of the country for the settlement of the Texas Boundary; and that to prevent an alarming collision on this point between the Federal Government and a sovereign State, members from the North could be induced to concede much.

The Texas Boundary Bill was therefore first taken up, and the New Mexico Bill attached to it, as an amendment, and then, for fear of losing all, enough Northern men were found to vote for the twin bill, without the proviso, to secure its passage.

Now, suppose the declaration had been made by the South, that the acts Congress was about to pass, involved the abrogation of a Compromise which had secured to the North for thirty-three years, a Territory large enough to constitute a dozen States, could they have commanded the assent of that Anti-Slavery majority in Congress, a majority which would have stood invincible, but for the belief of some that the great object they were aiming at—the limitation of Slavery—would be accomplished, even though the Wilmot Proviso was waived, and the dread entertained by others of a dangerous collision between the Federal and State Governments?

Why, when the bill for organizing Nebraska, which passed the House at its last session, and was laid upon the table in the Senate, for want of time to act upon it, was not this wonderful discovery, of the annulment of the Missouri Compromise announced? How happens it, when Mr. Atchison declared in his speech upon the bill in the Senate, that the Missouri Compromise was in force, that it was useless to think that it could ever be repealed, and that the Territory of Nebraska would consequently be free from Slavery—that Mr. Douglas did not correct him, by informing him that the Compromise had been superseded by the principles of the legislation of 1850? Why, when Mr. Douglas introduced his first bill, on the 4th of January, did he not make this announcement in his Report? Why, on the contrary, did he assume that the Territory of Nebraska sustained relations to Slavery, like those sustained in 1848 by New Mexico and Utah; that as there was a division of opinion then, as to whether the Mexican Laws prohibiting Slavery were in force, so there was a division of opinion now, whether the Missouri Compromise, prohibiting Slavery, was valid; and that, as Congress then avoided any expression of opinion on the validity of the Mexican Laws, so it ought now to avoid any expression of opinion on the validity of the Missouri Compromise, leaving that question, as it had left the former, subject alone to judicial decision? Nineteen days after the presentation of these views, Mr. Douglas introduces a new bill, proposing that Congress declare that by the principles of the legislation of 1850, the Missouri Compromise was invalidated, and is therefore inoperative! Did he believe his Report when he wrote it? Then he did not believe what he now would persuade Congress to declare. Does he believe what he would persuade Congress now to declare? Then he never believed what he states in his Report, or he has fundamentally changed his views in the short space of nineteen days.

But let us examine the terms of this proposition in the 14th section of the new bill, which Congress is asked to sustain. The Missouri Compromise act, it is averred, was superseded by the principles of the legislation of 1850." It is not pretended that it was superseded in express terms, or by formal enactment. What were these principles? Congress established Territorial Governments for New Mexico and Utah, *omitting any restriction in relation to Slavery*, and inserting in each of the acts establishing them, the following provision:

"That when admitted as a State, the said Territory, or any portion of the same, shall be received into the Union with or without Slavery, as their Constitutions may prescribe at the time of admission."

The "principles" so vaguely referred to by Mr. Douglas resolve themselves into a *single* Principle, or rule of action, which is the meaning of the term, as here employed. It is, that *States formed out of Territory should be received into the Union with or without Slavery, as their Constitutions might prescribe.*

This Principle could not, and did not supersede the Proviso of the Missouri act, because it was not in conflict with, or repugnant to, it. They refer to different subjects—one, to Territory, in a *territorial* condition, the other, to territory, in the *act of becoming a State*, under authority of Congress. The *Proviso* prohibits Slavery forever IN TERRITORY; the *Principle* is, *not* that Slavery *may exist in Territory*, but that a Territory, *becoming a State*, shall be received into the Union, whether it *tolerate or reject it*. One act might embody both the Proviso and the Principle, without any direct contradiction.

Again: This Principle was confined in express terms to the Territories of New Mexico and Utah. It was not enunciated as a general rule of action. The language of the provision is unmistakable on this point—"that when admitted as a State, the *said Territory*, or any portion of the *same*"—that is, Utah, or New Mexico, or any portion of either. Whereas the Proviso of the Missouri Act embraced, in express terms, all that portion of *Louisiana Territory*, exclusive of the State of Missouri, *lying above 36 deg. 30 min.* It is a sheer absurdity to say that a Principle or rule of action, confined in express terms to the former Territories, superseded or could supersede a Proviso adopted in express terms for the last-named Territory.

The omission of any restriction as to Slavery, in the acts providing Territorial Governments for New Mexico and Utah, may be pointed to as establishing a Principle. It established no rule of action for the future, of course, no Principle. It was simply an expedient, adopted in peculiar circumstances, for peculiar reasons, which might never exist again. The non-exercise of power in a single case does not imply its non-existence, or involve a pledge of its non-exercise in other cases. Congress prohibited Slavery in the Northwest Territory in 1787; it did not prohibit it in the Missouri Territory in 1812; it did prohibit it in Louisiana Territory north of 36 deg. 30 min. in 1820, in Texas, north of the same line, in 1845, in Oregon in 1848; and in 1850, it did not prohibit it in New Mexico and Utah. Its several acts in relation to these Territories, imposing restrictions or omitting restrictions, do not conflict with one another, nor was it ever before suggested that they successively superseded each other. Look at the ridiculous length to which the argument of Mr. Douglas on this point would lead. Congress having omitted to impose any restrictions as to Slavery, in the acts providing Territorial Governments for New Mexico and Utah in 1850, *therefore*, the restriction as to Slavery in the act for the admission of Missouri into the Union in 1820, was superseded: and therefore, similar restrictions in the Oregon Territorial Government of 1848, and the Texas Annexation resolutions of 1845, were also superseded! And again, Congress having omitted to interpose any restriction as to Slavery, in the acts establishing Territorial Governments for Missouri in 1812, and Mississippi in 1798, *therefore*, the former restriction in the Ordinance of 1787, for the Government of the Northwest Territory, was also superseded!

Why waste any more words upon such a proposition? If Congress vote for this Bill, with the averment in it that the Missouri Compromise Proviso "was superseded by the Principles of the Legislation of 1850," it will assert what nobody ever dreamed of till the 4th of January, 1854; what Mr. Douglas, in his report of that date, insists it ought not to assert; what, if true, would have utterly prevented the passage of any of the acts of 1850, commonly called the Compromise;—it will vote for what, in politics, is a sheer afterthought, what, in logic, is an absurdity, what, historically, is false:—and all this it will do, for the purpose of breaking a covenant agreed to by the North and South in 1820, and giving up to the South and Slavery, which have got already the whole of their share of its benefits, nearly the whole of what was secured by it to the North and Freedom.

Will the Congress of the United States dare do all this?

As to the second portion of the speech of Mr. Douglas, in which he attempts to reconcile the People of the North, and especially the Democratic Party, to his views, we may have something to say hereafter.

Augusta, Me., Feb. 5.—The Legislature, on Saturday, re-elected Mr. Crosby, Whig, Governor of Maine.

THE NEBRASKA BILL—THE ARGUMENT.—NO 4.

AN APPEAL.

Passing from the argument, in relation to the abrogation of the Missouri Compromise, Mr. Douglas labors in the second portion of his speech to recommend his views to the people on grounds of policy. "When," he asks, "have you succeeded in excluding Slavery by act of Congress from one inch of the American soil? You may tell me that you did it in the Northwest Territory, by the Ordinance of 1787. I will show you by the history of the country that you did not accomplish any such thing. You prohibited Slavery there by law, but you did not exclude it in fact. Illinois was a part of the Northwest Territory. With the exception of a few French and white settlements, it was a vast wilderness, filled with hostile savages, when the Ordinance of 1787 was adopted. Yet, sir, when Illinois was organized into a Territorial Government it established and protected Slavery, and maintained it in spite of your Ordinance, and in defiance of its express prohibition. It is a curious fact, that so long as Congress said the Territory of Illinois should not have Slavery, she actually had it, and on the very day when you withdrew your Congressional prohibition, the people of Illinois, of their own free will and accord, provided for a system of emancipation. Thus you did not succeed in Illinois Territory with your Ordinance, or your Wilmot Proviso, because the people there regarded it as an invasion of their rights. They regarded it as a usurpation on the part of the Federal Government. They regarded it as violative of the great principles of self-government, and they determined that they would never submit even to have freedom, so long as you forced it upon them."

If we have read history aright, this is an entire misrepresentation. That some of the old French settlers, or their descendants, nominally civilized, may have held a few slaves in Kaskaskia, and that a kind of Slavery, under the form of indentured service, may stealthily have got foothold in the Northwest Territory, is not denied; but these were facts so limited, so clearly exceptional, as to prove nothing against the efficacy of positive prohibition. Taken in connection with another fact, which Mr. Douglas overlooks—the repeated and strenuous exertions made to obtain a repeal or suspension of the Ordinance of 1787, for the express purpose of introducing Slavery into the Territory—they demonstrate not only its sufficiency, but its necessity, as a safeguard against the inroads of that evil.

Let us advert to a few facts in the history of the Northwest Territory. About the time of its division into two portions, a memorial was presented to the Assembly of Ohio Territory, in in 1799, by officers of the Virginia line on Continental establishment in the war of the Revolution, praying for permission to remove with their slaves to their military bounty lands, between the Scioto and the Little Miami rivers. The prayer of the petition being unequivocally prohibited by the Ordinance, the Legislature had no discretion in the case. Their only course was to reject the petition.* The historian adds—had the application been granted, the result would have been a great accession of wealth, strength, and intelligence; but the public feeling against Slavery was such, that the request would have been denied by unanimous vote, had the Legislature possessed the power of granting it. And why? Because, the pioneers of Ohio were freemen, hard-working men, trained to habits of self-reliance, and Slavery had not, up to that time, been able to effect a lodgement on one foot of its soil. Immigrants from slave States had not ventured there with their slaves; the few who did go from those States and settle there, were thoroughly Anti-Slavery. Thus the policy of positive prohibition by Congress had accomplished its work.

During the nine years from 1800 to 1809 what are now the States of Indiana and Illinois constituted the Territory of Indiana. It was in this portion of the original Northwest Territory that a few slaves were held by the old French settlers, descendants of the colony planted by La Salle and Father Hennepin, *more than a century before the passage of the Ordinance of 1787*; and that, owing to the large proportion of settlers from the slave States, a species of Slavery, under the form of indenture, secured a limited existence. And it was here that the greatest efforts were made to break down the restriction imposed by Congress on the introduction of Slavery.

In 1803, a memorial was presented to Congress, accompanied by a report of the proceedings of a Convention of the People of Indiana, (including, of course, Illinois,) held at Vincennes, the object of which was to obtain a suspension, as to that Territory, of the Anti-Slavery proviso of the Ordinance of 1787. The memorial having been referred to a Committee of which Randolph, of Virginia, was chairman, an adverse report was soon submitted. The Committee deemed it "highly dangerous and inexpedient to impair a provision wisely calculated to promote the happiness and prosperity of the Northwestern country, and to give strength and security to that extensive frontier," and held that "in the salutary operation of this sagacious and benevolent restraint, the inhabitants of Indiana would, at no distant day, find ample remuneration for a temporary privation of labor and immigration." At the next session, this report, with the papers which had given rise to it, was referred to a new committee, of which Rodney, a Democratic Representative of Delaware, was chairman. This time, a report was made in favor of a qualified suspension of the prohibition of Slavery, so as to admit for ten years the introduction of slaves born within the United States, their descendants to be free, males at the age of twenty five, and females at twenty-one."

Congress declined to act upon the report, and in 1807, when efforts to suspend the Ordinance were renewed, and a similar report was made, it persisted in this course; so that the Pro-Slavery movement was at length abandoned.

These facts show, that had the question been left to the few settlers in the Territory, Slavery would have been introduced and established in the country, now known as Indiana and Illinois, but that the Ordinance of 1787 did its work—it shut out the evil, and preserved the Territory sacred to Freedom and Free Labor. And yet, Mr. Douglas tells us, that "we have not succeeded in excluding Slavery by act of Congress from one inch of American soil!"

The curious fact, then, asserted by Mr. Douglas, "that so long as Congress said that Illinois should not have Slavery, she actually had it; and on the very day when you withdrew your Congressional prohibition, the people of Illinois, of their own free will and accord, provided for a system of emancipation," is no fact at all. The Congressional prohibition was always efficacious—it was never withdrawn—it terminated only as all other provisions in regard to the Territory terminated, when Illinois was admitted as a State—while its principle was continued, as a natural consequence, in the Constitution of the new State.

The truthfulness of our representation is confirmed by a reference to the census. Look on the map—the States of Missouri, Illinois, and Indiana, lie between nearly the same parallels of latitude. They resemble one another in soil, climate, and productions. They were Territories during nearly the same period. Indiana was admitted as a State in 1816, Illinois in 1818, Missouri in 1820. The former two were more accessible to immigrants from slave States than was the latter. Congress by positive enactment prohibited Slavery in Indiana and Illinois; it did *not* prohibit it in Missouri. Let the census say whether positive enactment by Congress against the exclusion of Slavery was efficacious or not:

Slaves in—	Missouri.	Indiana.	Illinois.
1800 - -	—	135	—
1810 - -	3,011	237	168
1820 - -	10,222	190	117
1830 - -	25 081	—	747*
1840 - -	58 240	—	331*
1850 - -	87,422	—	—

* Indentured servants must be included here.

No efficacy, Mr. Douglas, in Congressional prohibition! What Missouri is now, Illinois would have become, had it not been for that noble Ordinance of 1787.

In the light of these facts, the question respecting the repeal of the prohibition against Slavery in Nebraska assumes great *practical* importance. For thirty-three years, that prohibition has been not only upon the Statute Book, but in force. Lying right on the border of Missouri, with its eighty-seven thousand slaves, it would ere this have been settled to some extent by slaveholders, had it not been for the Proviso of the Missouri Compromise, which the people of the State of Missouri especially regarded as solemnly binding. A large portion of the Territory lies west of that State, in the same latitude, and is susceptible of the same kind of culture. Hemp and Tobacco may be grown there as in Missouri. And now, when it is proposed to abrogate the Compromise, to repeal in express terms the prohibition against Slavery, we are to be told that the question is without practical importance—it may be safely left to the emigrants who shall go to the new Territory—Slavery will never find place there! The facts and figures we have presented give the lie to the assertion.

Repeal the Missouri Compromise, and Slavery will find its way into Nebraska, just as readily as it did into Missouri, and grow just as rapidly. A hundred slaveholders, once settled in the Territory, concentrating as they would capital and intelligence, and acting as a unit, would control the Territory and determine its institutions. The policy which gave birth to the free States of Michigan, Ohio, Indiana, Illinois, and Wisconsin, cannot be unwise or anti-Democratic: those States are grand monuments of the power and beneficence of positive enactment by Congress against Territorial Slavery. What was necessary to create those five free States, what so completely protected free labor and free inhabitants in them, is necessary to secure to Freedom the numerous States yet to be formed in Nebraska. Abandon this policy—and this is done if the Missouri Compromise be repealed, as proposed by the Bill of Mr. Douglas—adopt towards them the policy of Non-Intervention, as it is called, the same policy pursued in relation to Missouri, and what can you expect? Non-Intervention, as it is styled, has always given us Slavery—why should it give us Freedom in Nebraska? Can the same fountain send forth sweet water and bitter?

The advocates of repeal pretend to be very Democratic. They know the value attached by the American People to the principle of *self-government*. What, they exclaim, are you not willing to trust the People to govern themselves? Undoubtedly—but who are "the People?" The People of Ohio, of Pennsylvania, of Kentucky, we know. They constitute organized communities, self-governing, independent, sovereign, except as to powers, which they have delegated to the Union. But are straggling pioneers who chance to settle in a wilderness, without government, without laws, without organization, "a People," in the contemplation of the Constitution of the United States? The declaimers about self-government do not themselves recognise the principle in its application to any Territory of the United States. Do they admit that one or two hundred settlers in Nebraska have a right to organize a Government for the new Territory called by that name, and to determine for all future time its institutions?

What is this Bill of Mr. Douglas but a denial of the absolute right of the People of a Territory to govern themselves? Does it not propose to give them a form of Government—to ordain, without consulting them, that it shall be divided into three departments—provide for the appointment of Judicial and Executive officers of the Territory, by the President, without any reference to their will—apply to them all the laws of the United States applicable to their condition, although they may have had no part in framing them, and secure to Congress the power to overrule their domestic legislation? Would they not prohibit, as they have done in some cases, in establishing Territorial Governments, the Territorial Legislature from issuing charters to banks of circulation? Would they allow the inhabitants of a Territory the right to institute any other than republican institutions?

This clamor about self-government in Territories is designed to mislead the People from the true issue involved in this controversy. Mr. Douglas does not believe that the People of a Territory have the absolute right to govern themselves: nor do we. He holds that Congress has the right to give them a form of Government; to impose certain restrictions upon them; to apply to them such laws of the United States as may be applic

The announcement made by Mr. Edgerton points to a better, more efficient form of opposition. Should the Democratic members from the North agree to sustain Hall's bill of the last session, the defeat of the Douglas bill would be insured. And what possible motive can they have for preferring the latter to the former? Hall's bill originated with members from a slaveholding State: it was a safe bill, amply sufficient for all legitimate purposes, unencumbered with impertinent provisions; it underwent thorough discussion in the House, was fairly matured, was passed by an overwhelming vote, members from the North and South, East and West, uniting in support of it. All who profess devotion to the Compromises of 1850, and hold up the sanctity of Baltimore Platforms, could vote for it with a good conscience, for it is not in conflict with any of them. All who would avoid the opprobrium of covenant breakers, could sustain it, for it proceeds on the assumption that the compact of 1820 continues in force. All who are opposed to reopening the issues of 1850, could sustain it, for it does not touch a single one of those issues.

But, will Northern members agree upon this measure? Enough of them favor it, to carry it in the House against the Bill of Mr. Douglas—in other words, the majority of the Northern Representatives and Senators, and not a few Southern men, regret and deprecate the attempt to repeal the Missouri Compromise—but they are without organization, without mutual trust, without a clear, intelligible, settled method of operations; while those who are engaged in this attempt are energetic, determined, bold, united, with a fixed scheme of policy and management. And they will succeed, *unless the People of the Northern and Western States, opposed to a repeal of the Missouri Compromise, promptly, by an expression of opinion not to be mistaken, admonish their Representatives that a vote for such a measure will forever put an end to their political career.*

What a strange spectacle is here presented! Were the naked question—shall the Missouri Compromise be repealed?—this day submitted to the People of the free States, who does not know that nine-tenths of their two millions of voters would vote against its repeal? And yet, we tell these voters, that there is *imminent danger that this measure will be forced through a Congress*, in each branch of which they have a nominal majority!

Nothing but a prompt, stern, unanimous expression of opinion on their part against it, can avert the danger. They are amazed—perplexed—mystified—incredulous—they cannot believe that a serious purpose exists in Congress to pass a measure so monstrous, so totally unexpected. Let them be warned. A little delay, and all is lost. Such is the combination of political influences at work here, such are the demands of Slavery, such the necessities of the Administration, that the outrage may be consummated, before the people in the distant sections of the Union have been apprised of its real nature.

The scheme is to forestall any general expression of public opinion. Men who profess devotion to the People are determined to dispose of one of the greatest questions ever submitted to Congress, without allowing the People time to speak. Last Tuesday they undertook in the Senate to force a discussion on the Bill, when no one was prepared to discuss it. Last Friday, when Mr. Chase closed his speech, at half-past three o'clock, rather later than the usual hour of adjournment, with a zeal for work quite new to them, they opposed the customary motion to adjourn. For the first time, too, this session, they compelled the Senate to sit the next day, Saturday; and then, after a speech from Mr. Dixon in favor of the Bill, they wished to protract the session to an extraordinary length, evidently with a view of exhausting the opponents of the measure. On a motion to postpone the further consideration of the subject till Monday, the vote stood—

YEAS—Messrs. Allen, Badger, Bell, Brodhead, Butler, Cass, Clayton, Dawson, Everett, Fish, Foot, Houston, Jones of Tennessee, Norris, Sebastian, Seward, Smith, Stuart, Sumner, Thomson of New Jersey, Toucey, Wade, and Williams—23.

NAYS—Messrs. Adams, Benjamin, Brown, Clay, Dixon, Dodge of Wisconsin, Dodge of Iowa, Douglas, Evans, Fitzpatrick, Geyer, Gwin, Mason, Pettit, Slidell, Thompson of Kentucky, and Weller—17.

Those voting in the negative are the gentlemen who wish to force a vote upon the Bill, before the People can be heard upon its merits. That Dodge of Iowa, Weller, and Gwin, should favor such a policy, is not to be wondered at—it is in perfect accordance with their principles; but Dodge of Wisconsin, and Pettit of Indiana, will have to render an account to their constituents for this attempt to forestall the verdict of the People.

Recollect how the People have been mystified—first by the original Bill, with its ambiguous provisions—then by additional sections, omitted through a clerical error—then by imperfect telegraphic reports of the new bill. Recollect, that only two weeks have elapsed since the introduction of the last bill, with its section abrogating the Missouri Compromise, so that the People in many sections have not yet been apprised of it, in others know of it only by rumor, in others have not yet had time to express their opinion. Certainly no full expression of public sentiment can reach Washington in less than a month from this date; and yet, the members active in this scheme are evidently determined to force the Bill to a vote in the Senate this week, trusting then to the adroit management of tacticians, and the power of the previous question in the House to clinch the measure *instanter*.

Again we say—if the People intend to defeat this iniquity, they must speak in thunder tones, and speak NOW.

EXTRACTS FROM OUR CORRESPONDENCE.

This is Jared V. Peck's Congressional District. I have conversed freely with men of all parties in relation to Douglas's Bill, and have yet to meet with the first Hard, Soft, or Whig, that approves it. Compromisers of 1850 denounce it heartily, and yet it is said he is to vote for it with the purpose of driving the Softs to the wall; for, says a Hard Shell editor, if we support the bill, and the Softs do not, we take their place with the Administration. If *they* support it, they will be killed at home. Not a spark of principle! But we to the Northern man that votes for it. JESSE RYDER.

Coeymans, N. Y., January, 1854.—I see it stated that Gen. Cass and Judge Douglas* propose to introduce a bill to repeal the Missouri Compromise. Let it come. I have regretted that any who supported the Free-Soil movement in 1848 should have joined hands with Slavery again. I have been and still am a Democrat, except when asked to vote a ticket endorsed to support the Fugitive Slave Law. I do not think that the vote of last November exhibits the strength of the Softs in our State. Though my sympathies were with the Softs, I could not vote their ticket or make any effort to get others to vote it. The Hards were quite enthusiastic, and could swallow their ticket with a gusto, and they had a mind to cram it down the hesitating, while a Soft had no particular relish for the doctrines adopted by both sections, and in the end it was only a strife for men; principles were lost sight of. If the leaders of the movement of 1848 had not shown their hollow-heartedness by coalescing with their opponents and leaving the rank and file who were honest in their support of the movement of 1848, the Softs would far outnumber the Hards. Many did not vote the State ticket. And there were no tickets of the Free Soil party at the polls. And many would not vote without any respect to party, if the candidate was a Maine Law man. Party ties do not bind as strong as formerly. Men are not wholly governed by party nominations, and I hope the time is coming when men will feel it to be their duty to look to the moral qualifications of the candidates; and that doing right in voting is as much a duty as any other public act. H. D. BROWN.

* Not Gen. Cass, but Judge Douglas, has done it.—*Ed. Era.*

For the National Era.

THE LEGAL TENURE OF SLAVERY.

LETTER X.

COLONIAL AND SUBSEQUENT LEGISLATION FAILED TO LEGALIZE SLAVERY—TESTIMONY OF SLAVEHOLDING JURISTS.

To the Friends of American Liberty:

I have now shown the illegality of the African slave trade, and examined the legal tenure of Slavery, as derived from that origin. I have shown that the Slavery thus illegally introduced, commenced and grew up in opposition to English common law, and without any legislative enactments creating it.

I have further testimony to adduce on that subject. But, before doing this, it may be proper to add that, in GEORGIA, the introduction of Slavery was in direct violation of the municipal local law, which expressly forbade it.

The settlement of Georgia was commenced by Gen. James Oglethorpe, in 1733. The trustees, to whom was committed the authority of civil government, under the charter, strictly prohibited Slavery, and "declared it to be not only immoral, but contrary to the laws of England."* Slaves were, nevertheless, introduced, first under pretence of hiring them for "short periods, then for a hundred years, or during life, and a sum, equal to the value of the negro, paid in advance; and, finally, slaves from Africa sailed directly to Savannah, and Georgia, like Carolina, became a planting State, with slave labor† Gen Oglethorpe therefore abandoned the Colony in disgust, and was afterwards acoadjutor of Granville Sharp, and wrote against Slavery, giving an account of the illegal introduction of Slavery into Georgia.‡

I repeat the inquiry—when, where, how, and by whom, was American Slavery legalized?

It will be remembered, that in the early part of this discussion (Letter II) it was proved that, according to numerous decisions, even of Southern judges, there can be no *legal* Slavery, except by force of local municipal law, insomuch that when a slave was, by the consent of his master, taken out from under the jurisdiction of the local municipal law that enslaved him, it was held that he became legally free, and could not, if brought back, be held as a slave.

Thus, in the case of Lunsford *vs.* Coquillon, (May Term, 1824; 14 Martin's Louisiana Rep., 401; Wheeler, p. 335,§) Judge Martin said: "The relation of owner and slave is, in the States of this Union, in which it has A LEGAL existence, the *creature of* MUNICIPAL law."‖

In the case of Marie Louise *vs.* Marriott *et al.*, in which the slave had been taken to France by her master, and brought back to Louisiana, Judge Matthews said: "Being free for one moment in France, it was not in the power of her former owner to reduce her again to Slavery." Wheeler's Law of Slavery, p. 349; Slave Code, p. 262. Also, in the case of Harvey and others, *vs.* Decker and Hopkins, June Term, (Walker's Mississippi Reports, 36,) the court said: "*Slavery is condemned by reason and the laws of nature. It exists, and can* ONLY *exist, through municipal regulations.*" Wheeler's Law of Slavery, pp. 340—6.

There have been similar decisions in Georgia. ("American Slave Code," p. 262.) Yet Slavery, as we have seen, was introduced into Georgia in direct violation and open defiance of municipal law forbidding it.

Henry Clay expressly predicated the Legal Tenure of Slavery on the same basis, when he said, "That *is* property which the law declares to *be* property." In what followed, he repeated and explained the same principle, though the alleged historical fact, as we have seen, lacks confirmation. "Two hundred years of *legislation* have sanctioned and sanctified negro slaves as property." Nothing but express *legislation*, according to Mr. Clay, was the basis of legalized Slavery, and he assumed that there had been laid such a basis by express legislation. But this is an unfounded assumption. There has been legislation enough, to be sure; cruel, wicked, bloody, cowardly legislation,¶ in aid of the slaveholder, and against the slave. But this has been only in a way of regulation or enforcement of a relation assumed, or taken for granted, as having been *previously* legalized, when no such event had taken place.

In proof of this, I now bring forward the testimony of slaveholding jurists. And the first witness I shall put on the stand, (strange as it may seem,) is the identical Judge Matthews, of Louisiana, whom I have just now cited as affirming the doctrine that Slavery can exist *only* by municipal law, and applying the doctrine for the liberation of the slave.

In the case of Seville *vs.* Chretian, September Term, 1817, (5 Martin's Louisiana Reports, 275; Wheeler's Law of Slavery, p. 15; American Slave Code, p. 264) Judge Matthews admits "*the absence of any legislative act of European Powers for the introduction of Slavery into their American dominions.*" He adds: "*If the record of any such act exist, we have not been able to find any trace of it.*" After tracing the historical origin and progress of the African slave trade, from Charles V and his patent to one of his Flemish subjects, down to the landing of the cargo of the Dutch ship on James river, he proceeds: "This is the first origin of the Slavery of the blacks in the British American provinces. About twenty years after, slaves were introduced into New England, and it is believed that Indians were at the same time, or before, held in bondage. *The* ABSENCE *of any act or instrument of GOVERNMENT under which their Slavery ORIGINATED, is not a matter of greater surprise than that there should have been* NONE FOUND AUTHORIZING THE SLAVERY OF THE BLACKS." * * * "It is an admitted principle that Slavery has been *tolerated* in all the Colonies established in America by the mother country—not only of Africans, but also of Indians. NO LEGISLATIVE ACT OF THE COLONIES CAN BE FOUND IN RELATION TO IT."

This is certainly very remarkable language from the lips of a Judge who was about deciding a case *against* a claimant for freedom—a Judge too, who has declared that Slavery can exist only by the force of municipal law; and in a State in which it has also been decided that "prescription," (or lapse of time) "is never pleadable to a claim for freedom;" and that a man *cannot be reduced to Slavery, in any manner whatever, on account of the length of* TIME *he may have been held in servitude.*"** Putting these three concessions together—viz: 1, the impossibility of legalizing Slavery without local positive law; 2, the absence of any such law; and, 3, the impossibility of legalizing Slavery by the length of time in which its victims may have been held in servitude—the absolute illegality of American Slavery follows, of course. Judge Matthews evidently felt himself pressed with the difficulty, and labored hard for a foundation to stand upon, while giving judgment against a claim to freedom. In the case before cited, he liberated a slave. It is charitable to believe that he would have willingly liberated in this case likewise. But he was in a community of slaveholders—probably a slaveholder himself What could he do? The case of Marie Louise he could dispose of, by her liberation, without affirming the absolute illegality of Slavery. Not so in the present case. Yet conscience and self-consistency were pressing hard upon him. How *could he* decide that *any* person was legally a slave? On *that* point, his mind evidently labored. And how did he dispose of it?

Was it by openly recanting his opinion that Slavery could originate only in positive law? No. Did he call in question the decision that length of time in servitude does not legalize Slavery? No. Did he plead the legality of the African Slave Trade, and make this the legal basis of Slavery? No. He looked over the whole ground, but said plainly enough that he could find nothing there. Did he plead the acts of "European Governments?" No. He said expressly that he could find no trace of them. Did he find Slavery legalized by Colonial legislation? No. He found "the absence of *any* act or instrument of GOVERNMENT [*any* Government] under which their Slavery originated"—"none authorizing the Slavery of the blacks." Did he find Slavery legalized by the Articles of Confederation? By the Federal Constitution? By the State Constitutions, old or new? By any acts of legislation *since* the Revolution? By any *other* public records or acts? No! Nothing of the kind. How eagerly he would have grasped at *anything* available in that direction, we may judge, when we look at the plea he did, after so much laborious research, settle down upon.

* Wilson's American History, p. 262.

† Ib., p. 265.

‡ Stuart's Life of Granville Sharp, p. 21.

§ "American Slave Code," p. 62.

‖ The same principle was affirmed by Judge Payne, of New York, in the case of the slaves of Mr. Lemmon, and, though the Virginia Governor makes a show of contesting the decision, the Southern courts, and a portion of the Southern press, are against him.

¶ See "American Slave Code."

** Judge Porter, in Delplaine *vs.* Devise; 14 Martin's Louisiana Rep., 650; Wheeler, p. 101; Slave Code, pp. 266–7.

CONGRESS.

THIRTY-THIRD CONGRESS—FIRST SESSION.

Senate, Tueday, Jan. 31, 1854.

On motion by Mr. Adams, the Senate proceeded to consider the bill increasing the salaries of the clerks in the Executive Offices, from nine, twelve, and fourteen hundred dollars, to twelve, fourteen, and sixteen hundred dollars, according to their respective classes; and after amending the same, it was passed.

Mr. Badger, from the Committee on Finance, reported back the bill granting a credit on the duties upon railroad iron, with an amendment.

The Senate proceeded to the consideration of the bill to establish a Territorial Government for Nebraska.

Mr. Chase said that, so far as his personal convenience was considered, he would prefer to have the bill postponed. On yesterday, the Senator from Illinois had referred to certain historical facts and documents which he (Mr. C.) had not had an opportunity to examine. His engagements in the Supreme Court would prevent his attendance in the Senate to-morrow. If he were to proceed to-day, it would be with a disadvantage. He, however, would be subject to such course as the Senate might determine.

Mr. Douglas said the bill was postponed last week for the convenience of Senators. It was now said the Senator from Ohio had not had time to examine the historical facts. The Senator ought to have done so before he published his historical address. If the bill were postponed now, other Senators would ask the same. He did not feel at liberty to extend courtesy to those whom he could only regard as enemies of the bill.

Mr. Chase. I expect no courtesy from the Senator, and I ask for none from him. I do not believe him capable of understanding what are the obligations of courtesy. He desired to sustain the history he had given of this subject in the address. The Senator on yesterday had introduced new facts, and had given a new version to the history. He desired time to examine these new facts, and the authorities of the Senator. If he proceeded to-day, it would be under great disadvantages.

Mr. Douglas. The Senator asserts that I am unable to understand the obligations of courtesy. I am incapable of understanding that rule of courtesy which justifies one Senator in writing a libel upon a brother Senator, and then come to him with a smile on his face seeking courtesy, in order that time might be given him to circulate his libel before it could be exposed.

The Chair called the Senator to order.

Mr. Douglas asked if the Chair ought not to have called the Senator from Ohio to order.

The Chair said the Senator from Ohio was certainly out of order.

Mr. Cass said the Senator from Ohio was in a peculiar position. The Senator of Illinois had made an elaborate argument, and had gone over a very extended ground. It could not be expected that the Senator from Ohio could with justice to himself reply, without time for examination. He hoped the time asked would be granted. He thought no danger could be apprehended from agitation.

Mr. Weller urged a postponement for one day.

Mr. Chase explained that he could not go on before Friday.

Mr. Weller then opposed any postponement beyond Thursday, and moved to postpone it till that day.

Mr. Foot then moved to postpone till Monday, and, after a long discussion, in which Mr. Gwin called the attention of the Senate to the singular and extraordinary fact that no one Senator was disposed to make a speech on any subject,

Mr. Foot modified his motion to postpone the subject till Friday; and it was, after further discussion, agreed to.

House of Representatives, Jan. 31, 1854.

Mr. Richardson, of the Committee on Territories, presented a bill to organize the Territories of Nebraska and Kanzas.

Mr. English, of Indiana, stated, that all the members of the committee did not approve of this bill He objected to it because it conflicted with the Compromise of 1820, and because its boundaries are not, in his opinion, correct. He described briefly the topography of the country. He said the bill contemplated an encroachment upon Utah.

Mr. Richardson interrupted, and said he had not yielded the floor to enable the gentleman to make a speech.

Mr. English said he merely wished to explain his position. The Rocky Mountains were a natural boundary, and no Territory should be extended beyond them.

Mr. E. also said that he regarded Slavery as an evil, and an injury to the State in which it exists. He would not interfere with Slavery in any State. He would leave the question to the people; and he objected to the bill because it was not definite on this point. He wished this option to be given them.

Mr. Richardson said he wished the bill to go to the Committee of the Whole, and to be there perfected. He, however, entered upon a defence of the boundaries prescribed in the bill. He said that every man in the portion of Utah now to be embraced in Nebraska desired to be included in the new Territory. Their will should be regarded. He held to the right of a people to choose their own Government.

Mr. English had intimated his disapproval of the Mormon people and their laws.

Mr. Richardson heartily disapproved of them. Their institutions were bad. He denied that there was antagonism of feeling or interest among the people east and west of the mountains.

Mr. Davis, of Indiana, called for the reading of the bill.

Mr. Phillips said he knew Mr. Richardson had not contemplated a speech at this time, and hoped Mr. Richardson would at once move its being referred to the Committee of the Whole, and be printed.

Mr. Richardson did so; but several gentlemen moved to present amendments and substitutes, and great confusion prevailed.

The previous question, on the motion to refer, being called for, and urged by Mr. Preston and others, several points of order were raised by different gentlemen; when

Mr. Richardson said he would withdraw his motion to refer, to permit gentlemen to present amendments, if no debate was to arise.

A dozen members here arose, and simultaneously addressed the Chair. The floor was awarded to

Mr. Richardson, who yielded it to Mr. English, who presented certain amendments.

Mr. Dean offered the following proviso as an amendment, viz:

Provided, That nothing in this bill contained shall be construed to legalize or establish Slavery or involuntary servitude within said Territories, or either of them.

Mr. Egerton gave notice that he would offer, as an amendment, the bill of the last session.

The previous question was renewed, and the bill was committed.

Mr. English asked permission to present a minority report, and that it be printed.

Objection was made by Mr. Bridges, who withdrew it, when Mr. Seward renewed it; but the House almost unanimously determined to receive and print the report.

Mr. Taylor of Ohio, and Mr. Farley, both of the committee, declared they had not favored either report that had been made. The former was opposed to reporting any bill.

Mr. Olds, from the Post Office Committee, reported a bill imposing a penalty for the obstruction of the United States mails, [understood to apply to the Erie case,] and stated that he had understood a minority report would be presented.

Mr. Jones, of Tennessee, moved to lay it upon the table, which was decided in the negative; ayes 57, noes 160.

Mr. Taylor, of Ohio, spoke in favor of at once putting the bill upon its passage; but the motion being on its reference to the Committee of the Whole House, the ayes and noes were demanded, and were being taken when our report closed, at half-past two o'clock.

Senate, Wednesday, Feb. 1, 1854.

Mr. Sumner presented the petition of a large number of citizens of Lancaster, Pennsylvania, praying that Congress prevent the introduction of Slavery into Territory now free, or in any Territory situated north of 36 deg. 30 min. He said, as the Nebraska bill was now before the Senate, he would not move the reference of the memorial, but request that it be laid on the table.

Mr. Slidell submitted a resolution, directing the Committee on the Judiciary to inquire into the expediency of amending the rules of the Senate, by removing the injunction of secrecy upon the final action of the Senate upon all nominations, retaining that secrecy upon all remarks or debate by Senators on such nominations.

Mr. Badger suggested that the resolution be amended so as to require the committee to inquire whether the rule required any amendment, and if so, what.

The resolution was modified in accordance with this suggestion, and after some debate, it was adopted.

The Senate then proceeded to the consideration of the resolution declaring that the Hon. S. S. Phelps is entitled to hold his seat in the Senate, as Senator from Vermont.

Mr. Williams addressed the Senate in support of the resolution, contending that the only limitation on the Executive appointment was that it should be made before the meeting of the Legislature next following the happening of the vacancy.

Mr. Bayard supported the views of the minority, contending that the true construction of the Constitution was, that the Executive appointments could only continue till the next meeting of the Legislature.

House of Representatives, Feb. 1, 1854.

Mr. Jones, of New York, moved a reconsideration of the vote by which Mr. Olds's bill in relation to carrying the mails on railroads [applying to the Erie difficulties] was referred yesterday to the Committee of the Whole.

Mr. Olds stated that news had been received, since yesterday, of events rendering prompt action necessary.

Mr. O. read a statement from a New York paper, to the effect that papers had been received at Detroit, via Canada, twenty-four hours in advance of the mails; and he said that petitions were coming from the West, to establish permanent mail routes through that channel.

Mr. Jones, of Tennessee, asked the gentleman if he could not compel the prompt transmission of the mails between New York and Washington, as well as through Erie, by means of a bill imposing penalties?

Mr. Ritchie, of Pennsylvania, said the bill was very long, and could not now be read; that it would be found unconstitutional in some of its particulars. It was but a covert means of getting at the Erie parties.

Mr. Campbell called for the previous question on the motion to reconsider yesterday's vote of reference.

Mr. Hamilton moved that that motion should lie on the table. Upon this motion the yeas and nays were ordered, on motion of Mr. Campbell, when the motion was decided in the negative—yeas 83, nays 102.

Mr. Jones, of Tennessee, moved that the rules be suspended, and that the House should go into Committee of the Whole on the Deficiency bill.

Mr. Florence called for the ayes and noes; which were ordered, and the motion failed—ayes 92, noes 93.

Mr. Florence, Mr. Groves, and other gentlemen, here made motions to adjourn, to go into Committee, for a call of the House, &c., &c.

On another motion to go into Committee of the Whole, tellers were appointed, and the result was—yeas 82, nays 82.

[The indications were plainly of a desire on the part of Pennsylvania members and others to defer action on the bill.]

Mr. Campbell here called for the yeas and nays.

Senate, Thursday, Feb. 2, 1854.

Mr. Hamlin, from the Committee on Printing, reported an order directing the printing of 17,000 copies of the mechanical part of the report of the Commissioner of Patents.

Mr. Hamlin also reported, from the same Committee, the bill to establish a Government printing office, with a recommendation that it do not pass.

The resolution heretofore submitted by Mr. Clayton, calling for correspondence and information touching proceedings at, and affairs of, the Sandwich Islands, was taken up, and agreed to.

Mr. Bright submitted a resolution, calling for copies of all correspondence touching the seizure, imprisonment, and release, of Martin Koszta, by the Austrian authorities at Smyrna.

Mr. Cass thought that great injustice had been done to Mr. Brown, the dragoman at Constantinople, respecting his agency in this matter. It was due to Mr. Brown (to whom he paid many high compliments) that this correspondence should be made public.

The Senate then proceeded to the consideration of the Vermont contested case, of the right of Mr. Phelps to his seat.

Mr. Butler and Mr. Badger addressed the Senate, against Mr. Phelps's right.

Mr. Phelps commenced an argument in support of his claims, and had not concluded when this report was closed.

House of Representatives, Feb. 2, 1854.

The bill to impose penalties for obstructing the transportation of the mails on railroads now came up for further consideration, on the motion to reconsider the vote by which the bill was referred to the Committee of the Whole.

The proposition to build a custom-house at Louisville being under consideration,

Mr. Lilly said there were to be sixty post office clerks and one custom-house officer in the building; and he proposed to amend the bill by calling it a post office building; which was rejected.

Mr. Breckenridge, in order to debate the bill, moved a *pro forma* amendment. He said that he was opposed to the principle of making such appropriations; but inasmuch as the work had been prosecuted to its present stage, he had resolved, after much hesitation, to vote for all this class of appropriations, viz: those required to complete works already begun.

Mr. Clingman was against appropriations for custom houses in the interior.

Mr. Preston said he did not ask the appropriation as a favor. The Government would save in the way of rents, by completing the work.

Mr. Disney supported the appropriation. He did not wish the West to be compelled to depend upon the East as a medium for its commerce with Europe.

Mr. Stanton, of Kentucky, supported the appropriation in a few remarks.

The question was then taken on the motion to amend the bill by appropriating $40,000 for the completion of this building, (in addition to the original $115,000,) and it was decided in the affirmative—yeas 75, nays 69.

The motion, in compliance with the recommendation of the Secretary of the Treasury, to appropriate $65,000 to complete the Mobile custom-house, was then considered.

Mr. Phillips spoke in its support.

Mr. Haven, and Mr. Stanton, of Tennessee, debated the motion briefly, when the question was submitted, and the Committee adopted the amendment.

Mr. Benson moved the appropriation of $— for the completion of the custom-house at Bath, Maine, which the Committee of Ways and Means had omitted, although the Secretary of the Treasury had recommended it. Mr. Benson briefly urged his proposition. His motion was adopted—yeas 71, nays 55.

Mr. Washburn, of Maine, moved an appropriation of $20,000, for the completion of approaches to the custom-house at Bangor, to accommodate the custom-house officers, the post office, and United States courts; and explained the necessity for it.

Mr. Hibbard said the whole scheme and plan was unreasonable, and the appropriation unnecessary. He would not accuse gentlemen of "log rolling," but thought that out of the House such a game was in progress. Bangor has six persons in the custom-house, and collects but $19 000 per annum.

Appropriations had been heretofore made to *complete* this work; but now *bridges* were needed to get to it. He deprecated the prevailing wasteful system.

Mr. Preston said the gentleman had seemingly accused him of log-rolling. If there was any such thing, it was at the other end of the avenue. He playfully and admirably likened the position of the gentleman from New Hampshire to that of Joseph Surface in the comedy. [This was one of the most felicitous retorts of the session.]

The amendment was adopted—73 in the affirmative, noes not counted.

Mr. Benton submitted an amendment, giving $100,000 for the completion of the custom-house at St. Louis. He stated the recommendation had been made by the Secretary of the Treasury. He explained, that no stipulation of a restriction had ever been made with reference to this building.

He regarded it as the wonder of the age, that our Government, which seems to have money to squander, should ever build an edifice to fall or be burned. Mr. Benton spoke of St. Louis and its rapid growth. [He was listened to with profound attention.] The Government is now paying in rents at St. Louis—

[Here the Speaker admonished Mr. Benton that his time was up under the five minutes' rule, and he sat down amid a general cry of "Go on!"]

Mr. Houston read from the record, that an appropriation had been made for the completion of the custom-house at St. Louis, to show that a restriction *had* been stipulated.

Mr. Benton said the gentleman had read an old act, intended for a kind of building not now contemplated. The old idea had been given up; and since it had, and permanent buildings had been determined on, no restrictions had been stipulated.

The question upon the amendment was taken, and decided in the affirmative—ayes 89, noes 66.

Mr. Riddle, of Delaware, moved an amendment appropriating $12,100 to complete the custom-house at Wilmington, Delaware, in a fire-proof manner; and urged his motion in an earnest appeal. His motion was decided in the affirmative—ayes 89, noes 31.

Mr. Wade moved an appropriation of $25,000 for the marine hospital at Cleveland; during the consideration of which, our report closed.

Senate, Friday, February 3, 1854.

After the journal had been read, the private calendar was taken up, and the following bills were passed; all others on the calendar being objected to, were postponed.

For the relief of Albert Hart.
For the relief of Lavinia Taylor.
For the relief of Allan G. Johnson.
For the relief of Adam D. Stewart, paymaster in the United States army.
For the relief of S. Factor.
For the relief of Richard Fitzpatrick.
For the relief of Don Juan Domercq, a Spanish subject.

For compensation of James W. Law and others, for the capture of the British private armed schooner "Ann," during the war of 1812.

For the relief of Purser T. B. McBlair.
For the relief of John G. Camp.
For the relief of Samuel H. Hempstead.

For the legal representatives of Thos. Chapman, late collector of the port of Georgetown, in South Carolina.

For the relief of Isaac Varn.
For the relief of Richard King.

At one o'clock, on motion of Mr. Douglas, the private calendar was postponed, and the Senate proceeded to the consideration of the bill to establish a Territorial Government for Nebraska.

Mr. Chase submitted an amendment, to strike out of the bill the words declaring the Missouri Compromise to have been repealed by the acts of 1850.

Mr. Chase said that, a few days ago, he had taken occasion to repel the personal attacks of the Senator from Illinois. He now had proposed to strike out of this bill these words, which contained an assertion which he intended to demonstrate, to-day, to be historically and in fact unfounded. He entered into this discussion with no unkind feelings. He looked at the subject only, and not at men.

[This speech will be given at length.]

House of Representatives, Feb. 3, 1854.

Mr. Dean, who yesterday (after our report had closed,) by consent, presented certain resolutions of the Legislature of New York, in regard to the better protection of emigrants arriving at our ports, and which were referred to the Committee on Commerce, to-day moved a reconsideration of the vote on the reference, in order that it might be referred to another committee. This motion lies over, under the rules.

On motion of Mr. Egerton, the House resolved itself into Committee of the Whole on the Private Calendar, (Mr. Hibbard in the chair,) and proceeded to the consideration of bills heretofore reported favorably upon by the several committees.

At 40 minutes past 1 o'clock, the business of the Committee was arrested, in consequence of there not being a quorum present, and a call of the House was ordered. While the call was being made, many members entered the hall and resumed their seats.

At the completion of the call, the Committee rose and reported to the House the fact of the call, and that a quorum was then present; whereupon the House again resolved itself into Committee, and resumed the Private Calendar, when our report closed.

Senate, Saturday, February 4, 1854.

Mr. Fish presented the resolutions adopted at a large meeting of the citizens of New York, remonstrating against the adoption of any measure to repeal the Missouri Compromise. He asked that the resolutions be read.

Mr. Douglas said that every Senator had already read these resolutions. To read every memorial or paper presented to the Senate, at length, would consume the whole time of the Senate. It was against the usual practice of the Senate.

The Chair. Does the Senator object to the reading?

Mr. Douglas. I do.

Mr. Fish. I move, then, that the resolutions be read.

Mr. Seward. I ask the yeas and nays on the motion.

The yeas and nays were refused, and then the motion to read was rejected.

Mr. Sumner presented the memorial of three hundred tax-payers of Weymouth, New Hampshire, remonstrating against the repeal of the Missouri Compromise.

Mr. Brodhead presented several memorials of a similar character, from different parts of Pennsylvania; all of which were laid on the table.

Several petitions of a private character were presented and referred.

The Senate then resumed the consideration of the bill to establish a Territorial Government for Nebraska.

Mr. Dixon said that the first bill reported by the Committee on Territories provided that the people of the Territories should be free to adopt or prohibit Slavery in their Constitutions when they should apply for admission into the Union. But that bill did not put the people of the United States on an equal footing as to the right to remove to and take their property into these Territories. It excluded the people of the Southern States from going there with their property, until such time as the people residing in the Territories should by their Constitutions allow it. This was unjust. It left the decision of this question entirely with those who were not slaveholders, and excluded all who would have an interest in the adoption of Slavery.

This being the case, he had proposed an amendment repealing the prohibition of the Missouri act, and leaving the people of the Southern States free to carry their property into the Territories. This amendment had been since adopted by the committee in their new bill. That committee had not adopted it from any sinister motive, but with the view of discharging their whole duty in perfecting their bill. The committee proposed to put the people of all sections on an equal footing. The Missouri Compromise had made an unjust discrimination against the people and property of the Southern States.

The committee were not slaveholders. The proposition came from those who acted upon high principles of equal right and justice to all. They had also recommended the repeal of the Missouri prohibition because it was inconsistent with the principles of the great Compromise of 1850. The vast majority of the people of the United States were well satisfied that the Missouri prohibition was entirely inconsistent with the principles of the acts of 1850, and ought to be repealed.

He examined the prohibition of Slavery north of 36 deg. 30 min., in the Texas resolutions, and held it to be utterly void. It was a direct deprivation of State rights. It was a principle that States had neither the power to adopt or abolish Slavery; a right that had been exercised by every State. He held that the Constitution did recognise property, and secure it; and any prohibition of the property of any man from the Territory was void and unjust.

Senate, Monday, February 6, 1854.

Mr. Johnson, from the Committee on Military Affairs, reported a bill for the relief of Elizabeth C. Smith. He asked that the bill be now considered. This lady enlisted in the Missouri regiment of volunteers for the war in Mexico, under the name of Bill Escher, and served for eight months, when her sex was discovered and she was honorably discharged. She had never received any pay or bounty land. This bill proposed to give her both.

The bill was then passed.

The Senate then proceeded to the consideration of the bill to establish a Territorial Government for Nebraska.

Mr. Wade expressed the diffidence with which he rose to address the Senate. He laid no claim to be a debater, but he confined himself generally to a silent performance of his duty. He remembered the time of the adoption of the Missouri Compromise, and the struggle in which it was adopted. Since that day he had known nor heard of no man bold enough to propose its repeal till now.

The Compromise of 1850 was also adopted, and for four years since, and during its consideration, he had heard nothing but that it was a finality forever to be kept, and not to be questioned in Congress or elsewhere. It was now not only proposed to set aside this finality, but to go further, and set aside the more sacred one of 1820. No reason had been given for this repeal. The Senator from Illinois, last year, introduced and supported a Nebraska bill, with no provision for the repeal of this prohibition.

The Senator from Missouri, who was so deeply interested in this measure, admitted at the last session that the Missouri Compromise had not been and could not be repealed. The Senator had given no just cause for this measure, so calculated to rouse the people to madness. This conspiracy to overturn the time-honored Compromise and sacred guarantee of freedom to these Territories, was not yet six weeks old; it had been hatched in this city, within that period.

He would not stop to investigate the course of the Senator from Illinois on this subject. It was, he knew, exceedingly mutable; but it would be of little value to show that mutability.

The committee had reported their bill at first not on the ground that the acts of 1850 repealed the Missouri Compromise, but on the ground that it would be unwise for Congress to decide one way or the other. They then said, in their report, that it was not wise to repeal or affirm the Missouri Compromise. They then, in a few days after, reported a measure for its repeal.

He controverted at length the doctrine of supersedure, and contended that the acts of 1850 affirmed and continued the Missouri Compromise. The fact that part of this Territory had been included in Utah, did not repeal the Missouri Compromise. Such doctrine he illustrated by saying, that if a dispute arose between two men about the boundaries of their farms, and a line was run to straighten the same, taking from one to give to the other, it could not be said that if A got part of B's land, by running this line, it did not follow that the principle of running the line destroyed B's title to the rest of his farm.

He did not propose to comment on the Senator's speech. His colleague had so completely pulverized that speech, that there was not enough of it left on which to hang an idea.

The Territories he held were now free, and he earnestly invoked that they be not punished with the scourge of human slavery.

The South had had the whole benefit of the Compromise; and now, when the North desires to avail herself of her share, will the South deny it? He denied that the North had authorized any one to propose the repeal of this Compromise. It was a perfidious betrayal of the North. If, during the last election, Gen. Pierce had been pledged to this measure, he could not have received a single Northern vote. Major Andre was hung for making a proposal less base than this.

He enlarged upon the utter exclusion of thirteen millions of free laborers from this Territory, by admitting Slavery to them.

He spoke till after two o'clock, in earnest denunciation of the bill; pointing out its nefarious provisions, dangerous to the liberties and permanency of the Union.

Mr. Jones, of Tennessee, was replying when this report was closed.

House of Representatives, February 6, 1854.

On motion of Mr. Houston, the House took up the Senate bill prescribing the duties of the Secretary of the Senate. This bill was returned to the House, the Senate non-concurring in certain amendments of the House. It proposed to make the Secretary the disbursing officer of the Senate, under the supervision of the Treasury Department, and gives him an addition of one thousand dollars to his present compensation of $3,000, and extra compensation.

Mr. Breckenridge was in favor of the House receding from its amendments, and stated that as the Senate had yielded a point in making the Treasury Department, and not a committee of the Senate, the auditor of the Secretary, the House should in courtesy yield a point, and permit the increase of salary.

Mr. Mace said $3,000 was ample, and urged persistence by the House in its refusal to sanction any increase.

Mr. Jones, of Tennessee, very clearly explained the subject, as it stood before the House.

The House assented to the plan of auditing the accounts of the Secretary, but upon the increase of salary the ayes and noes were called, and the House refused to recede from its position—ayes 66, noes 103.

Mr. Bissell, from the Committee on Military Affairs, presented a bill to increase the army, and another to increase the pay of the officers and men; which were referred to the Committee of the Whole, and ordered to be printed.

Mr. Benton, from the Committee on Military Affairs, reported back, with a recommendation that it pass, a bill to give the right of way to the Iron Mountain and St. Louis railroad through the grounds of Jefferson Barracks.

A call of the House was accordingly ordered, pending which, our report closed.

Baltimore Market.

BALTIMORE, FEB. 6.—Flour—sales of 500 bbls. of City Mills, at $8.62; an advance on Saturday's prices. Howard Street held at $8.75. Grain advanced. Wheat—sales of 2,300 bus. white at $2 05 a $2 07; red at $2.00. Cor

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and state that "it is solemnly declared, in the very Compromise Acts, 'that *nothing herein contained shall be construed to impair or qualify*' the prohibition of Slavery north of 36 deg. 30 min.; and yet, in the face of this declaration, that sacred prohibition is said to be overthrown. Can presumption further go?"

In the very teeth of the statute, saying that they should come in with or without Slavery, as they pleased, these men declare that it is stated that it should be forever prohibited. I repeat to them: "Could presumption go further?" Not only presumption in making these statements, but the presumption that they could avoid the exposure of their conduct.

In order to give greater plausibility to the falsification of the terms of the Compromise Measures of 1850, the confederates also declare in their manifesto, that they (the territorial bills for the organization of Utah and New Mexico) "applied to the territory acquired from Mexico, and to that only. They were intended as a settlement of the controversy growing out of that acquisition, and of that controversy only. They must stand or fall by their own merits."

I submit to the Senate, if there is an intelligent man in America who does not know that that declaration is falsified by the statute from which they quoted. They say that the provisions of that bill were confined to the territory acquired from Mexico, when the very section of the law from which they quoted that proviso did purchase a part of that very territory from the State of Texas. And the next section of the law included that territory in the new Territory of Mexico. It took a small portion, also, of the old Louisiana purchase, and added that to the new Territory of Mexico, and made up the rest out of the Mexican acquisitions. Then, sir, your statutes show, when applied to the map of the country, that the Territory of New Mexico was composed of territory acquired from Mexico, and also of territory acquired from Texas, and of territory acquired from France; and yet, in defiance of that statute, and in falsification of its terms, we are told, in order to deceive the people, that the bills were confined to the purchase made from Mexico alone; and in order to give it greater solemnity, as was necessary while uttering a falsehood, they repeat it twice, fearing that it would not be believed the first time.

What is more, the Territory of Utah was not confined to the country acquired from Mexico. That Territory, as is well known to every man who understands the geography of the country, includes a large tract of rich and fertile country acquired from France in 1803, and to which the eighth section of the Missouri act applied in 1820. If these confederates do not know to what country I allude, I only reply that they should have known before they uttered a falsehood, and imputed a crime to me.

But I will tell you to what country I allude. By the treaty of 1819, by which we acquired Florida, and fixed a boundary between the United States and Mexico, the boundary was made of the Arkansas river to its source, and then the line ran due north of the source of the Arkansas to the 42d parallel, then along on the 42d parallel to the Pacific ocean. That line, due north from the head of the Arkansas, leaves the whole middle part, described in such glowing terms by Col. Fremont, to the east of the line, and hence a part of the Louisiana purchase. Yet, inasmuch as that middle part is watered and drained by the waters flowing into the Colorado, when we formed the territorial limits of Utah, instead of running that air line, we ran along the ridge of the mountains, and cut off that part from Nebraska, or from the Louisiana purchase, and included it within the limits of the Territory of Utah.

Why did we do it? Because we sought for a national boundary, and it was more natural to take the mountains as a boundary, than by an air line to cut the valleys on one side of the mountains, and annex them to the country on the other side. And why did we take these natural boundaries, setting at defiance the old boundaries? The simple reason was, that so long as we acted upon the principle of settling the slave question by a geographical line, so long we observed those boundaries strictly and rigidly; but when that was abandoned, in consequence of the action of Free-Soilers and abolitionists—when it was superseded by the Compromise measures of 1850, which rested upon a great universal principle—there was no necessity for keeping in view the old and unnatural boundary. For that reason, in making the new Territories, we formed natural boundaries, irrespective of the source whence our title was derived. In writing these bills, I paid no attention to the fact whether the title was acquired from Louisiana, from France, or from Mexico; for what difference did it make? The principle which we had established in the bill would apply equally well to either.

In fixing those boundaries, I paid no attention to the fact whether they included old territory or not—whether the country was covered by the Missouri Compromise or not. Why? Because the principles established in the bills superseded the Missouri Compromise. For that reason we disregarded the old boundaries; disregarded the territory to which it applied, and disregarded the source from whence the title was derived. I say, therefore, that a close examination of this act clearly establishes the fact that it was the intent, as well as the legal effect of the Compromise measures of 1850, to supersede the Missouri Compromise, and all geographical and territorial lines.

Sir, in order to avoid any misconstruction, I will state more distinctly what my precise ideas is upon this point. So far as the Utah and New Mexico bills included the territory which had been subject to the Missouri Compromise provision, to that extent they absolutely annulled the Missouri Compromise. As to the unorganized territory not covered by those bills, it was superseded by the principles of the Compromise of 1850. We all know that the object of the compromise measures of 1850 was to establish certain great principles which would avoid the slavery agitation in all time to come. Was it our object simply to provide for a temporary evil? Was it our object to heal over an old sore, and leave it to break out again? Was it our object to adopt a more miserable expedient to apply to that Territory, and to that alone, and leave ourselves entirely at sea, without compass, when new territory was acquired or new territorial organizations were to be made?

Was that the object for which the eminent and venerable Senator from Kentucky [Mr. Clay] came here, and sacrificed even his last energies upon the altar of his country? Was that the object for which Webster, Clay, Cass, and all the patriots of that day, struggled so long and so strenuously? Was it merely the application of a temporary expedient, in agreeing to stand by past and dead legislation, that the Baltimore platform pledged us to sustain the Compromise of 1850? Was it the understanding of the Whig party, when they adopted the Compromise Measures of 1850 as an article of political faith, that they were only agreeing to that which was past, and had no reference to the future? If that was their meaning, if that was their object, they palmed off an atrocious fraud upon the American people. Was it the meaning of the Democratic party, when we pledged ourselves to stand by the Compromise of 1850, that we spoke only of the past, and had no reference to the future? If so, it was then a fraud. When we pledged our President to stand by the Compromise Measures, did we not understand that we pledged him as to his future action? Was it as to his past conduct? If it had been in relation to past conduct only, the pledge would have been untrue as to a very large portion of the Democratic party. Men went into that Convention who had been opposed to the Compromise Measures—men who abhorred those measures when they were pending—men who never would have voted affirmatively on them. But, inasmuch as those measures had been passed, and the country had acquiesced in them, and it was important to preserve the principle in order to avoid agitation in the future, these men said, we waive our past objections, and we will stand by you, and with you, in carrying out those principles in the future.

Such I understand to be the meaning of the two great parties at Baltimore. Such I understand to have been the effect of their pledges. If they did not mean this, they meant merely to adopt resolutions which were never to be carried out, and which were designed to mislead and deceive the people for the mere purpose of carrying an election.

I hold, then, that, as to the territory covered by the Utah and New Mexico bills, there was an express annulment of the Missouri Compromise; and as to all the other unorganized territories, it was superseded by the principles of that legislation, and we are bound to apply those principles in the organization of all new Territories, to all which we now own, or which we may hereafter acquire. If this construction be given, it makes that Compromise a final adjustment. No other construction can possibly impart finality to it. By any other construction, the question is to be reopened the moment you ratify a new treaty acquiring an inch of country from Mexico. By any other construction, you reopen the issue every time you make a new Territorial Government. But, sir, if you treat the Compromise Measures of 1850 in the light of great principles, sufficient to remedy temporary evils, at the same time that they prescribe rules of action applicable everywhere in all time to come, then you avoid the agitation forever, if you observe good faith to the provisions of these enactments, and the principles established by them.

Mr. President, I repeat that, so far as the question of Slavery is concerned, there is nothing in the bill under consideration which does not carry out the principle of the Compromise Measures of 1850, by leaving the people to do as they please, subject only to the provisions of the Constitution of the United States. If that principle is wrong, the bill is wrong. If that principle is right, the bill is right. It is unnecessary to quibble about phraseology or words; it is not the mere words, the mere phraseology, that our constituents wish to judge by. They wish to know the legal effect of our legislation.

The legal effect of this bill, if it be passed as reported by the Committee on Territories, is neither to legislate Slavery into these Territories not out of them, but to leave the people to do as they please, under the provisions and subject to the limitations of the Constitution of the United States. Why should not this principle prevail? Why should any man, North or South, object to it? I will especially address the argument to my own section of country, and ask why should any Northern man object to this principle? If you will review the history of the Slavery question in the United States, you will see that all the great results in behalf of free institutions which have been worked out, have been accomplished by the operation of this principle, and by it alone.

When these States were colonies of Great Britain, every one of them was a slaveholding province. When the Constitution of the United States was formed, twelve out of the thirteen were slaveholding States. Since that time, six of those States have become free. How has this been effected? Was it by virtue of abolition agitation in Congress? Was it in obedience to the dictates of the Federal Government? Not at all; but they have become free States under the silent but sure and irresistible working of that great principle of self-government, which teaches every people to do that which the interests of themselves and their posterity, morally and pecuniarily, may require.

Under the operation of this principle, New Hampshire became free, while South Carolina continued to hold slaves; Connecticut abolished Slavery, while Georgia held on to it; Rhode Island abandoned the institution, while Maryland preserved it; New York, New Jersey, and Pennsylvania, abolished slavery, while Virginia, North Carolina, and Kentucky, retained it. Did they do it at your bidding? Did they do it at the dictation of the Federal Government? Did they do it in obedience to any of your Wilmot Provisos or Ordinances of '87? Not at all; they did it by virtue of their rights as freemen under the Constitution of the United States, to establish and abolish such institutions as they thought their own good required.

Let me ask you, where have you succeeded in excluding Slavery by an act of Congress from one inch of American soil? You may tell me that you did it in the Northwest Territory by the Ordinance of 1787. I will show you by the history of the country that you did not accomplish any such thing. You prohibited Slavery there by law, but you did not exclude it in fact. Illinois was a part of the Northwest Territory. With the exception of a few French and white settlements, it was a vast wilderness, filled with hostile savages, when the Ordinance of 1787 was adopted. Yet, sir, when Illinois was organized into a Territorial Government, it established and protected Slavery, and maintained it in spite of your Ordinance and in defiance of its express prohibition. It is a curious fact, that, so long as Congress said the Territory of Illinois should not have Slavery, she actually had it; and on the very day when you withdrew your Congressional prohibition, the people of Illinois, of their own free will and accord, provided for a system of emancipation.

Thus you did not succeed in Illinois Territory with your Ordinance or your Wilmot Proviso, because the people there regarded it as an invasion of their rights; they regarded it as an usurpation on the part of the Federal Government. They regarded it as violative of the great principle of self-government, and they determined that they would never submit even to have freedom, so long as you forced it upon them.

Nor must it be said that Slavery was abolished in the Constitution of Illinois in order to be admitted into the Union as a State, in compliance with the Ordinance of 1787; for they did no such thing. In the Constitution with which the people of Illinois were admitted into the Union, they absolutely violated, disregarded, and repudiated your Ordinance. The Ordinance said that Slavery should be forever prohibited in that country. The Constitution with which you received them into the Union as a State said that all slaves then in the State should remain slaves for life, and that all persons born of slave parents after a certain day, should be free at a certain age, and that all persons born in the State after a certain other day, should be free from the time of their birth. Thus their State Constitution, as well as their Territorial legislation, repudiated your Ordinance. Illinois, therefore, is a case in point to prove that whenever you have attempted to dictate institutions to any part of the United States, you have failed. The same is true, though not to the same extent, with reference to the Territory of Indiana, where there were many slaves during the time of its Territorial existence, and I believe also there were a few in the Territory of Ohio.

But, sir, these Abolition confederates, in their manifesto, have also referred to the wonderful results of their policy in the State of Iowa and the Territory of Minnesota. Here, again, they happen to be in fault as to the laws of the land. The act to organize the Territory of Iowa did not prohibit Slavery, but the people of Iowa were allowed to do as they pleased under the Territorial Government; for the sixth section of that act provided that the legislative authority should extend to all rightful subjects of legislation except as to the disposition of the public lands, and taxes in certain cases, but not excepting Slavery. It may, however, be said by some that Slavery was prohibited in Iowa by virtue of that clause in the Iowa act which declared the laws of Wisconsin to be in force therein, inasmuch as the Ordinance of 1787 was one of the laws of Wisconsin. If, however, they say this, they defeat their object, because the very clause which transfers the laws of Wisconsin to Iowa, and makes them of force therein, also provides that those laws are subject to be altered, modified, or repealed, by the Territorial Legislature of Iowa. Iowa, therefore, was left to do as she pleased. Iowa, when she came to form a Constitution and State Government, preparatory to admission into the Union, considered the subject of free and slave institutions calmly, dispassionately, without any restraint or dictation, and determined that it would be to the interest of her people in their climate, and with their productions, to prohibit Slavery; and hence Iowa became a free State by virtue of this great principle of allowing the people to do as they please, and not in obedience to any Federal command.

The Abolitionists are also in the habit of referring to Oregon as another instance of the triumph of their Abolition policy. There again they have overlooked or misrepresented the history of the country. Sir, it is well known, or if it is not, it ought to be, that for about twelve years you failed to give Oregon any Government or any protection; and during that period the inhabitants of that country established a Government of their own, and, by virtue of their own laws, passed by their own representatives before you extended your jurisdiction over them, prohibited Slavery by a unanimous vote. Slavery was prohibited there by the action of the people themselves, and not by virtue of any legislation of Congress.

It is true that, in the midst of the tornado which swept over the country in 1848, 1849, and 1850, a provision was forced into the Oregon bill prohibiting Slavery in that Territory; but that only goes to show that the object of those who pressed it was not so much to establish free institutions as to gain a political advantage by giving an ascendency to their peculiar doctrines in the laws of the land; for Slavery having been already prohibited there, and no man proposing to establish it, what was the necessity for insulting the people of Oregon by saying in your law that they should not do that which they had unanimously said they did not wish to do? That was the only effect of your legislation, so far as the Territory of Oregon was concerned.

How was it in regard to California? Every one of the Abolition confederates, who have thus arraigned me and the Committee on Territories, before the country, have misrepresented our position, and misquoted the law and the fact, predicated that unless Congress interposed by law, and prohibited Slavery in California, it would inevitably become a slaveholding State. Congress did not interfere; Congress did not prohibit Slavery. There was no enactment upon the subject; but the people formed a State Constitution, and then prohibited Slavery.

Mr. WELLER. The vote was unanimous in the Convention of California for prohibition.

Mr. DOUGLAS. So it was in regard to Utah and New Mexico. In 1850, we who resisted any attempt to force institutions upon the people of those Territories inconsistent with their wishes and their right to decide for themselves, were denounced as Slavery propagandists. Every one of us who was in favor of the Compromise Measures of 1850 was arraigned for having advocated a principle proposing to introduce Slavery into those Territories, and the people were told, and made to believe, that, unless we prohibited it by act of Congress, Slavery would necessarily and inevitably be introduced into these Territories.

Well, sir, we did establish the Territorial Governments of Utah and New Mexico without any prohibition. We gave to these Abolitionists a full opportunity of proving whether their predictions were true or false. Years have rolled round, and the result is before us. The people there have not passed any law recognising, or establishing, or introducing, or protecting, Slavery in the Territories.

I know of but one Territory of the United States where Slavery does exist, and that one is where you have prohibited it by law; and it is this very Nebraska Territory. In defiance of the 8th section of the act of 1820, in defiance of Congressional dictation, there have been, not many, but a few slaves introduced. I heard a minister of the Gospel the other day conversing with a member of the Committee on Territories upon this subject. This preacher was from that country, and a member put this question to him: "Have you any negroes out there?" He said there were a few held by the Indians. I asked him if there were not some held by white men? He said there were a few under peculiar circumstances, and he gave an instance. An Abolition missionary, a very good man, had gone there from Boston, and he took his wife with him.

He got out into the country, but could not get any help; hence he, being a kind hearted man, went down to Missouri, and gave $1,000 for a negro, and took him up there as "help." [Laughter.] So, under peculiar circumstances, when these Free Soil and Abolition preachers and missionaries go into the country, they can buy a negro for their own use, but they do not like to allow any one else to do the same thing. [Renewed laughter.] I suppose the fact of the matter is simply this: there, the people can get no servants—no "help," as they are called in the section of country where I was born—and, from the necessity of the case, they must do the best they can, and for this reason a few slaves have been taken there. I have no doubt that whether you organize the Territory of Nebraska or not, this will continue for some time to come. It certainly does exist, and it will increase as long as the Missouri Compromise applies to the Territory; and I suppose it will continue for a little while during their territorial condition, whether a prohibition is imposed or not. But when settlers rush in—when labor becomes plenty, and therefore cheap, in that climate, with its productions, it is worse than folly to think of its being a slaveholding country. I do not believe there is a man in Congress who thinks it could be permanently a slaveholding country. I have no idea that it could. All I have to say on that subject is, that, when you create them into a Territory, you thereby acknowledge that they ought to be considered a distinct political organization. And when you give them in addition a Legislature, you thereby confess that they are competent to exercise the powers of legislation. If they wish Slavery, they have a right to it. If they do not want it, they will not have it, and you should not force it upon them.

I do not like, I never did like, the system of legislation on our part, by which a geographical line, in violation of the laws of nature, and climate, and soil, and of the laws of God, should be run to establish institutions for a people; yet, out of a regard for the peace and quiet of the country, out of respect for past pledges, and out of a desire to adhere faithfully to all compromises, I sustained the Missouri Compromise so long as it was in force, and advocated its extension to the Pacific Ocean. Now, when that has been abandoned, when it has been superseded, when a great principle of self-government has been substituted for it, I choose to cling to that principle, and abide in good faith, not only by the letter, but by the spirit of the last Compromise.

Sir, I do not recognise the right of the Abolitionists of this country to arraign me for being false to sacred pledges, as they have done in their proclamation. Let them show when and where I have ever proposed to violate a compact. I have proved that I stood by the compact of 1820 and 1845, and proposed its continuance and observance in 1848. I have proved that the Free-Soilers and Abolitionists were the guilty parties who violated that Compromise then. I should like to compare notes with these Abolition confederates about adherence to Compromises. When did they stand by or approve of any one that was ever made?

Did not every Abolitionist and Free-Soiler in America denounce the Missouri Compromise in 1820? Did they not for years hunt down ravenously, for his blood, every man who assisted in making that Compromise? Did they not, in 1845, when Texas was annexed, denounce all of us who went for the annexation of Texas, and for the continuation of the Missouri Compromise line through it? Did they not, in 1848, denounce me as a Slavery propagandist, for standing by the principles of the Missouri Compromise, and proposing to continue the Missouri Compromise line to the Pacific ocean? Did they not themselves violate and repudiate it then? Is not the charge of bad faith true as to every Abolitionist in America, instead of being true as to me and the committee, and those who advocate this bill?

They talk about the bill being a violation of the Compromise Measures of 1850. Who can show me a man, in either House of Congress, who was in favor of the Compromise Measures of 1850, and who is not now in favor of leaving the people of Nebraska and Kansas to do as they please upon the subject of Slavery, according to the provisions of my bill? Is there one? If so, I have not heard of him. This tornado has been raised by Abolitionists, and Abolitionists alone. They have made an impression upon the public mind, in the way in which I have mentioned, by a falsification of the law and the facts; and this whole organization against the Compromise Measures of 1850 is an Abolition movement. I presume they had some hope of getting a few tender-footed Democrats into their plot; and, acting on what they supposed they might do, they sent forth publicly to the world the falsehood that their address was signed by the Senators and a majority of the Representatives from the State of Ohio; but when we come to examine signatures, we find no one Whig there, no one Democrat there; none but pure, unmitigated, unadulterated Abolitionists.

Much effect, I know, has been produced by this circular, coming as it does with the imposing title of a representation of a majority of the Ohio delegation. What was the reason for its effect? Because the manner in which it was sent forth implied that all the Whig members from that State had joined in it; that part of the Democrats had signed it; and then that the two Abolitionists had signed it, and that made a majority of the delegation. By this means it frightened the Whig party and the Democracy in the State of Ohio, because they supposed their own representatives and friends had gone into the negro movement, when the fact turns out to be that it was not signed by a single Whig or Democratic member from Ohio.

Now, I ask the friends and opponents of this measure to look at it as it is. Is not the question involved the simple one, whether the people of the Territories shall be allowed to do as they please upon the question of Slavery, subject only to the limitations of the Constitution? That is all the bill provides; and it does so in clear, explicit, and unequivocal terms. I know there are some men, Whigs and Democrats, who, not willing to repudiate the Baltimore platform of their own party, would be willing to vote for this principle, provided they could do so in such equivocal terms that they could deny that it means what it was intended to mean in certain localities. I do not wish to deal in any equivocal language. If the principle is right, let it be avowed and maintained. If it is wrong, let it be repudiated. Let all this quibbling about the Missouri Compromise, about the territory acquired from France, about the act of 1820, be cast behind you; for the simple question is, will you allow the people to legislate for themselves upon the subject of Slavery? Why should you not?

When you propose to give them a Territorial Government, do you not acknowledge that they ought to be erected into a political organization; and when you give them a Legislature, do you not acknowledge that they are capable of self-government? Having made that acknowlegement, why should you not allow them to exercise the rights of legislation? Oh, these Abolitionists, say they, are entirely willing to concede all this, with one exception. They say they are willing to trust the Territorial Legislature, under the limitations of the Constitution, to legislate upon the rights of inheritance, to legislate in regard to religion, education, and morals, to legislate in regard to the relations of husband and wife, of parent and child, of guardian and ward, upon everything pertaining to the dearest rights and interests of white men, but they are not willing to trust them to legislate in regard to a few miserable negroes. That is their single exception. They acknowledge that the people of the Territories are capable of deciding for themselves concerning white men, but not in relation to negroes. The real gist of the matter is this: Does it require any higher degree of civilisation, and intelligence, and learning, and sagacity, to legislate for negroes than for white men? If it does, we ought to adopt the abolition doctrine, and go with them against this bill. If it does not—if we are willing to trust the people with the great, sacred, fundamental right of prescribing their own institutions, consistent with the Constitution of the country, we must vote for this bill as reported by the Committee on Territories. That is the only question involved in the bill. I hope I have been able to strip it of all the misrepresentation, to wipe away all of that mist and obscurity with which it has been surrounded by this Abolition address.

I have now said all I have to say upon the present occasion. For all, except the first ten minutes of these remarks, the Abolition confederates are responsible. My object, in the first place, was only to explain the provisions of the bill, so that they might be distinctly understood. I was willing to allow its assailants to attack it as much as they pleased, reserving to myself the right, when the time should approach for taking the vote, to answer, in a concluding speech, all the arguments which might be urged against it. I still reserve—what I believe common courtesy and parliamentary usage award to the chairman of a committee and the author of a bill—the right of summing up, after all shall have been said which has to be said against this measure.

I hope the compact which was made on last Tuesday, at the suggestion of these Abolitionists, when the bill was proposed to be taken up, will be observed. It was that the bill, when taken up to-day, should continue to be considered from day to day, until finally disposed of. I hope they will not repudiate and violate that compact as they have the Missouri Compromise and all others which have been entered into. I hope, therefore, that we may press the bill to a vote; but not by depriving persons of an opportunity of speaking.

I am in favor of giving every enemy of the bill the most ample time. Let us hear them all patiently, and then take the vote and pass the bill. We who are in favor of it know that the principle on which it is based is right. Why then should we gratify the Abolition party in their effort to get up another political tornado of fanaticism, and put the country again in peril, merely for the purpose of electing a few agitators to the Congress of the United States?

We intend to stand by the principle of the Compromise Measures of 1850—that principle which lost the Presidency to the Senator from Michigan [Mr. Cass] in 1848, but which triumphed in 1850, although he had been a martyr in the cause—that principle to which the Democracy are pledged, not merely by the Baltimore platform, but by a higher and more solemn obligation, to which they are pledged by the love and affection which they have for that great fundamental principle of Democracy and free institutions, which lies at the basis of our creed, and gives every political community the right to govern itself in obedience to the Constitution of the country.

Mr. CHASE. Mr. President, I had some intimation, coming to the Senate Chamber this morning, of the diatribe which the Senator from Illinois [Mr. Douglas] has now pronounced. I was aware that an assault was to be made upon us. Well, sir, the assault has been made. The Senator has paraded his battery; he has fired his guns; we have heard the noise; we are in the midst of the smoke; but nobody is hurt. We are still here; we yet survive, and I doubt not we shall long survive all such attacks as that which he has now been pleased to make.

Mr. President, the Senator from Illinois charges that the address, upon which he has been pleased to comment in terms which befit any other place than the Senate Chamber—however low that place may be—was concocted in what he chooses to call an Abolition caucus, held upon Sunday. Aye, sir, with a generosity peculiarly his own, he has availed himself of a mere error of date, and piously holds up to public reprobation the gentlemen who have signed that address as violating the sacredness of the Sabbath day—that day for which he cherishes, doubtless, a peculiar reverence. And yet, at the very moment of making this charge, he refutes it by another, asserting that this very appeal was printed in the New York *Times*, and other New York papers, on the Monday morning following that very Sunday. Did he not know that it was impossible that the document could have been prepared and signed here on Sunday, and published in New York on Monday morning?

Well, sir, the Senator further charges that a false statement has been put forth in connection with this address. That false statement, as he alleges, was this: that the appeal was signed by a majority of the members from the State of Ohio. He thinks that the design was to catch some "soft-footed Democrats." "Soft-footed Democrats!" Aye, that is the phrase by which he chooses to mark all Democrats who will vote against this bill. I trust he will find that such Democrats are a little more numerous than he seems now to imagine. I do not know how many there may be. I pass that. What I have now to deal with is the Senator's charge, and that I pronounce utterly groundless.

The simple facts are these: The appeal was prepared upon consultation among the Independent Democrats who signed it. It was afterwards suggested that it should be signed by the Senators and a number of the Representatives from Ohio, and sent forth as an address to the People of that State. It was signed by my colleague and myself, with that view; but some alterations being required by certain Representatives, which could not be made without inconvenient delay, it was determined to issue the document, with the signatures only of the gentlemen by whom it was originated, and in the form originally proposed, as an appeal to the whole country. This is the plain story. The address bears no signatures other than those of the Independent Democrats, whom the Senator chooses to style "the Abolition confederates." By no one of them was it ever represented to be otherwise signed. Some gentlemen connected with the press, however, hearing of the purpose that it should be signed by more or less of the delegation from Ohio, have sent it abroad with a statement that it was thus signed in fact. I have a note in my hand, which the corresponding editor in this city of the *New York Times* has just sent me from the reporters' gallery, in which he states how the mistaken statement went into that paper. I will not trouble the Senate with the reading of it; but I will send it to the reporter, to be printed with these remarks. My colleague is in his seat, and knows the truth of what I speak.

Mr. WADE. Mr. President, I heard the address half read, and, judging of its quality by its sample, I signed it. Judging it by that sample, and by what has been made known by the Senator from Illinois, I now endorse every word of it, for I believe it is perfectly true and correct. It was issued without my signature, for the reasons assigned by my colleague.

Mr. CHASE. Not only, Mr. President, were none of us who are connected with this address responsible in any degree for any of those newspaper statements, but it is also true that the moment I learned that a statement attributing the address to the Ohio delegation was likely to appear in the New York *Times*, I requested the correspondent of that paper to telegraph the actual names of the signers, for the very purpose of preventing any misapprehension. And yet the Senator represents me as having sent this document to the State of Ohio with this misrepresentation. The very reverse of this is true. When I found how it appeared in the New York papers, I telegraphed at once to friends in Ohio not to publish the address with any such statements. I do not know how it has appeared there. I know only that I have sent none of these documents anywhere to be published, with any other signatures than those actually appended to them. And yet the Senator comes here into this Chamber, and charges Senators with false statements, intended for special effect in Ohio, in relation to the signatures to this appeal. There is not a particle of foundation for the charge. Sir, I do not envy him either the spirit which prompted it, or the position which he occupies, having made it.

Well, sir, the Senator proceeded to take exception to the character and scope of the whole document. He says that we, forsooth, have held him up to the country in this address as guilty of certain great and enormous crimes. Why, sir, any man who reads the address will see that in no part of it, from first to last, except in a brief note appended, is the Senator mentioned at all. So far as I am responsible for the document, either by signature or authorship, I tell the Senator he was not in all my thoughts. He exaggerates his importance when he supposes that we had him, rather than any other member of the committee, especially in view. Sir, I know the gigantic stature of the Senator; I know the weight and importance which he possesses in the country; I know that he has a great and powerful party surrounding him; and I know also the great disadvantages under which I enter into any controversy which he provokes. I am in a minority. I know that full well. It is no very pleasant position. But I dare do that which I should like to see the Senator also do. I dare adhere to principle, even though that adherence must carry me into a minority.

It is very true, Mr. President, that the Senator from Massachusetts [Mr. Sumner] and myself are but two in a body of sixty-two. We know that upon the great question which we feel ourselves bound to press upon the consideration of the American people we have not the sympathies of this body with us. But we can proudly challenge scrutiny of our action, and defy the production of an instance in which we have been illiberal to those from whom we differ. When have we stopped to inquire whether the interests to be affected by our votes were those of the North or the South? When did we fail to give to any proper measure for the benefit of any Southern State or citizen a prompt, an earnest, and a cordial support? When did we ever offer a sectional opposition to any nomination sent here? Upon what occasion did we ever discriminate, by sectional lines, between interests or men? Why, then, are we to be thus assailed?

Sir, our offence is, that we deny the nationality of Slavery. No man can show that we have ever sought to interfere with the legislation of any State of the Union upon that subject. All that we have ever insisted upon is, that the Territories of this Union shall be preserved from Slavery; and that where the General Government exercises exclusive jurisdiction, its legislation shall be on the side of liberty. It is because we defend these positions that the Senator from Illinois attacks us. He thinks that he can take advantage of his position in the country—that he can take advantage of his connection with a great and powerful political organization, and assail us with little hazard. It is safe to attack opponents who stand, as we stand, without the supports he counts upon. Ay, sir, that shows courage, that shows chivalry, that shows high honor, that shows lofty manhood—to assail the few and unsupported. I tell the Senator from Illinois that we did not assail him. We did not say a word about him from the beginning to the end of our appeal. He was named only in the postscript, and then merely as the author of the bill. We spoke of the bill. We spoke of its character. We said nothing about the character of the individuals who were its authors; anybody may see that, who chooses to read the address.

In the whole discussion of the matter in controversy, we confined ourselves in that appeal strictly and closely to the merits of the case. And now, sir, here, in this Chamber, before this audience, I reaffirm every word and every syllable of that appeal. I make no personal imputations; I make no personal charges; I do not follow the example which has been set here to-day, but which, in my judgment, is not fit to be followed anywhere; but I reaffirm and reiterate, distinctly and emphatically, every word and every syllable of that address. I thank the Senator from Illinois for having brought it so prominently before the country. It will now reach thousands and tens of thousands who would not have read it but for the discussion which has taken place here to-day. It will be seen, read, and judged by the people, and they will determine for themselves whether or not its doctrine be sound and its facts truly stated.

In this appeal "we arraign this bill as a gross violation of a sacred pledge." The Senator from Illinois thinks that the pledge of the Missouri Compromise was nothing worth. We think it was of vast consequence, and absolutely binding; and, as the bill proposes to abrogate it, we do not choose soft words but characterize it at once as it deserves. We arraign it also as "a criminal betrayal of precious rights." Well, what rights are precious, if those secured to free labor and free laborers in that vast Territory are not? What can be criminal, if it be not criminal to subvert these rights for the purpose of giving room to Slavery? When the bill proposes to reach this bad end by the baseless declaration that the Missouri prohibition is superseded by the principles of the legislation of 1850—a singular mode of repeal that—we call it "a criminal betrayal of precious rights."

The appeal goes on to denounce the bill as "part and parcel of an atrocious plot to exclude from a vast unoccupied region emigrants from the Old World, and free laborers from our own States, and convert it into a dreary region of despotism, inhabited by masters and slaves." Well, suppose this Territory opened to Slavery. Who does not know that upon the western borders of Missouri there are many slaveholders restrained now by the prohibition, but eager to enter the new Territory with their slaves? Who does not know that the effect of the introduction of slaves will be the exclusion of free laborers, and to a great extent, of the emigrants from Europe? Why, sir, in my judgment, a concerted movement by Slavery confederates to open this great Territory, larger by twelve times than the whole State of Ohio—larger than all the existing free States, with the exception of California—to the ingress of Slavery, is mildly characterized by the language of the appeal. But I will not further review this document. It will appear with these remarks, and will speak for itself.

I shall ask the indulgence of the Senate to hear me at another time in reply to the argument of the Senator from Illinois. I have set myself right in respect to the two or three points, which the imputations of the Senator made it necessary for me to notice. I am ready to meet his argument at any time; but it is too late to enter upon it to-day. I shall ask, however, the attention of the Senate at an early day, while I demonstrate that the prohibition of 1820 was a compact; that it was not repealed by the Compromise of 1850; that not a single word was uttered in this Chamber, or in the other House, or anywhere, through the whole land, indicating any idea or purpose on the part of anybody that those measures were to operate as such a repeal; and that when the Senator vouches the authority of Clay and Webster to sustain him, he vouches authorities which would rebuke him, could those statesmen speak from their graves. I will detain the Senate no longer.

Mr. SUMNER. Mr. President, before the Senate adjourns, I crave a single moment. As one of the signers of the address referred to by the Senator from Illinois, [Mr. Douglas,] I accept now openly, before the Senate and the country, my full responsibility for it, and deprecate no criticism upon it from any quarter. That document was put forth in the discharge of a high public duty; on the precipitate introduction into this body of a measure which, as it seems to me, is not only subversive of ancient landmarks, but hostile to the peace, the harmony, and the best interests of the country. But, sir, in doing this, I judged the act, and not its author. I saw only the enormous proposition, and nothing of the Senator.

The language used is strong, but it is not stronger than the exigency required. Here is a measure which reverses the time-honored policy of our fathers in the restriction of Slavery; which sets aside the Missouri Compromise—a solemn compact, by which all the territory ceded by France under the name of Louisiana, was "forever" consecrated to freedom—and which violates, also, the alleged Compromises of 1850; and all this is to open an immense Territory to the ingress of Slavery. Such a measure cannot be regarded without emotions too strong for speech. It cannot be justly described in common language. It is a soulless, eyeless monster—horrid, unshapely, and vast—fitly pictured in the verse of the poet:

"Monstrum horrendum, informe, ingens, cui lumen ademptum."

And this monster is now let loose upon the country.

Allow me one other word of explanation. It is true that I desired that the consideration of this measure should not be pressed at once with indecent haste, as was proposed, even before the Senate could read the bill in which it was embodied. I had not forgotten that the Missouri bill, as appears from the journals of Congress, when first introduced in December, 1819, was allowed to rest upon the table nearly two months before the discussion commenced. The proposition to undo the only part of that work which is now in any degree within the reach of Congress, should be approached with even a greater caution and reserve. The people have a right to be heard on this monstrous scheme; and there is no apology for that driving, galloping speed, which shall anticipate their voice, and, in its consequences, must despoil them of this right.

On motion of Mr. SEWARD,

The Senate adjourned.

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